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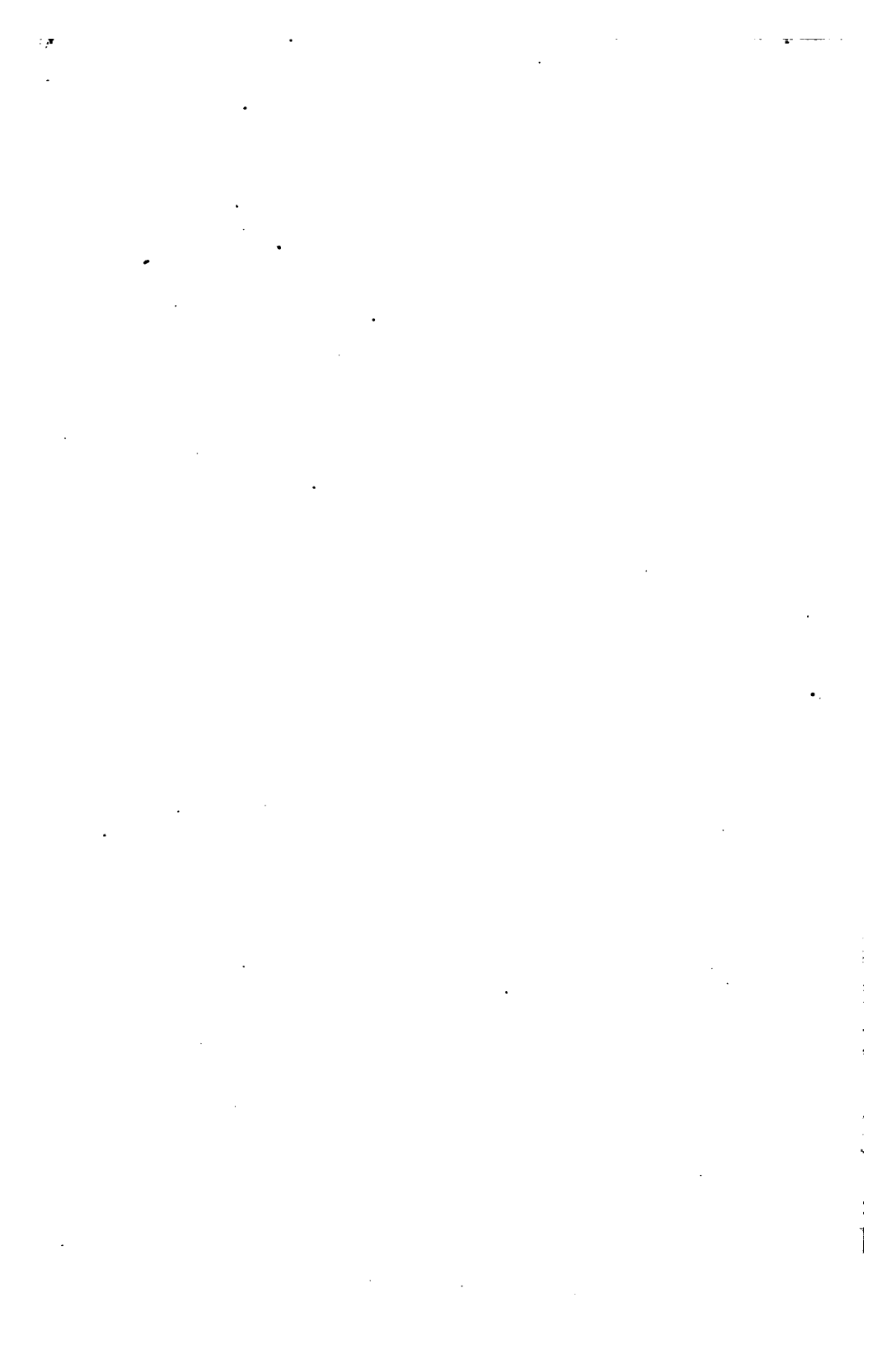
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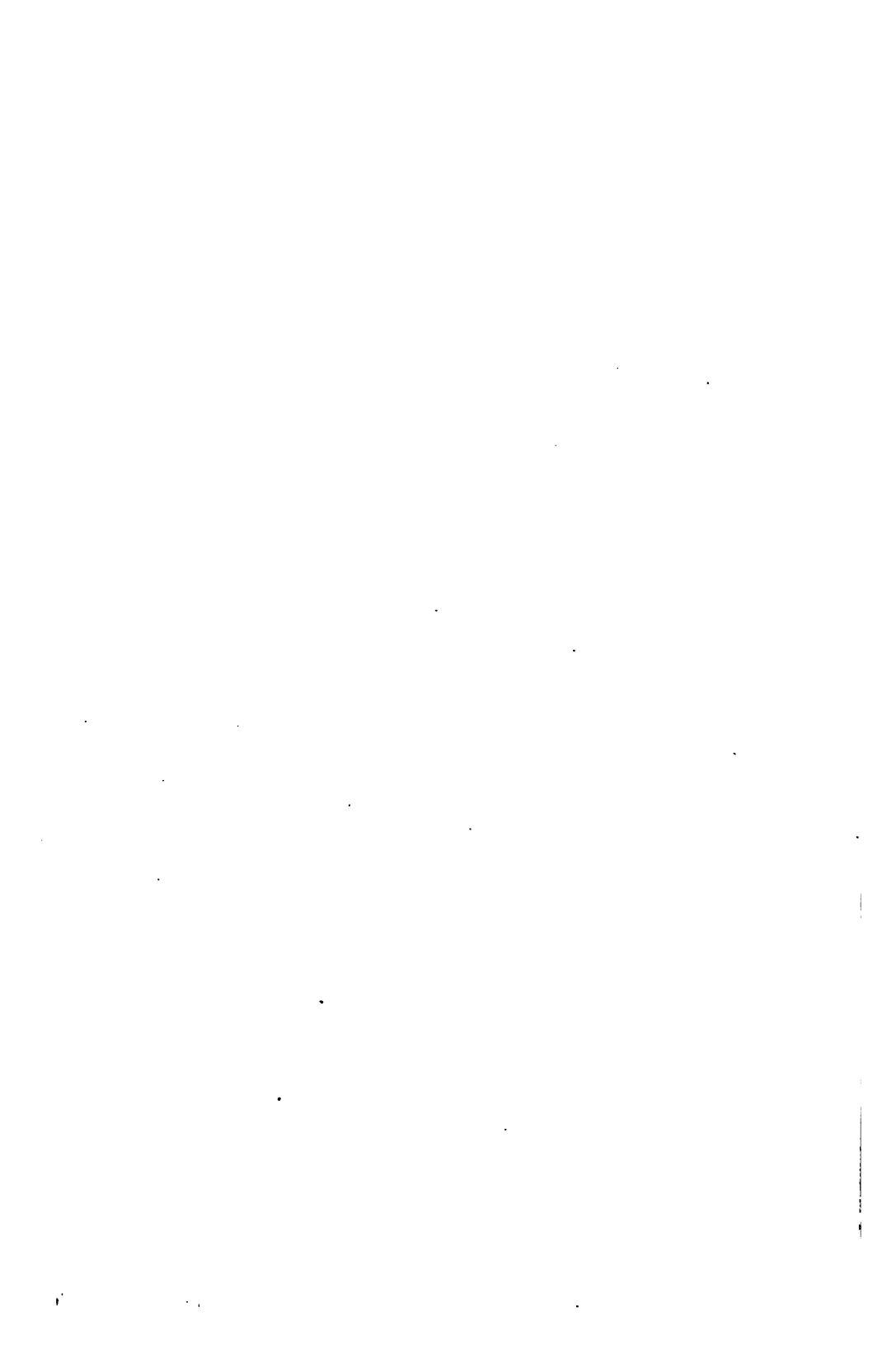
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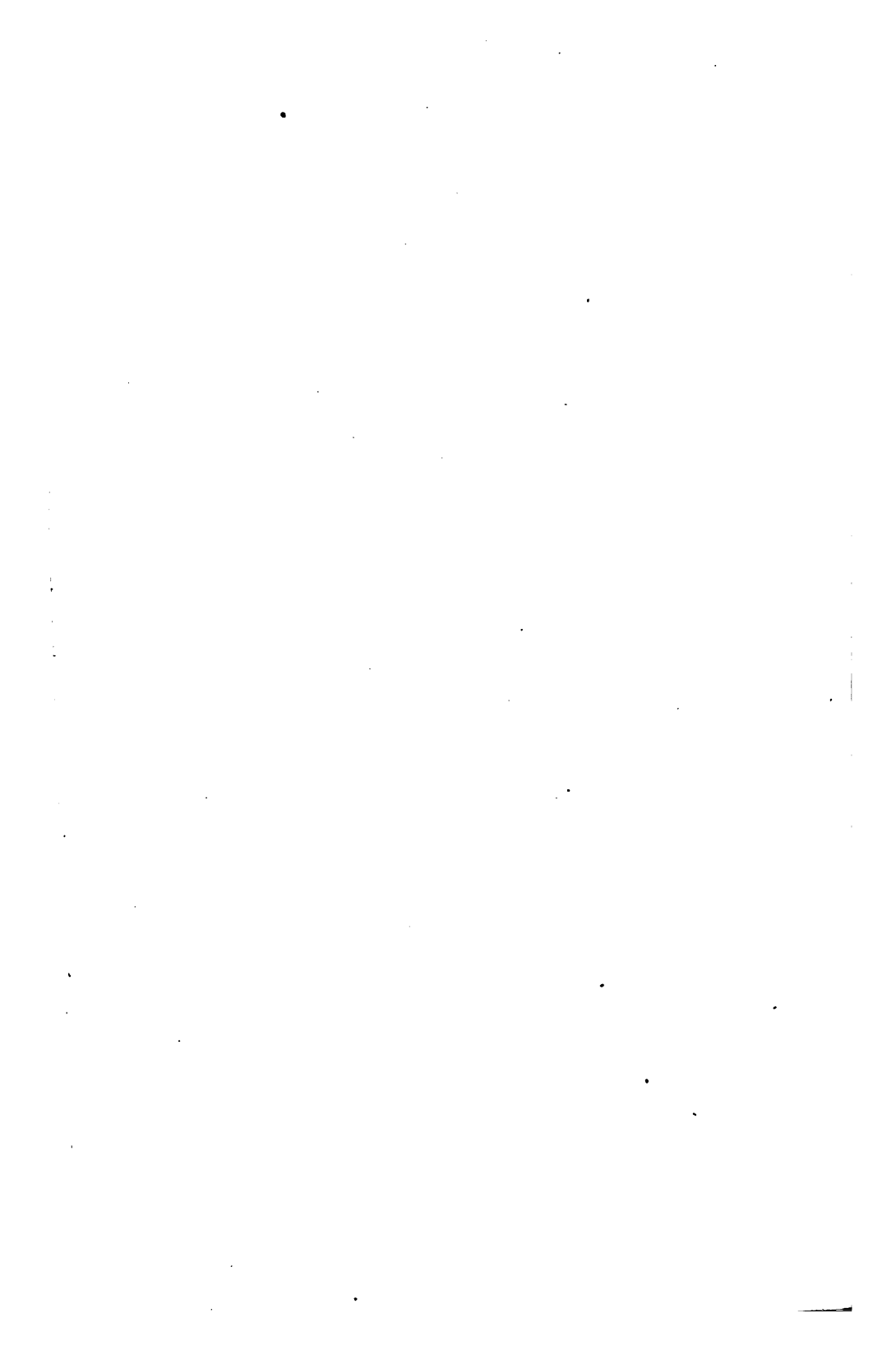
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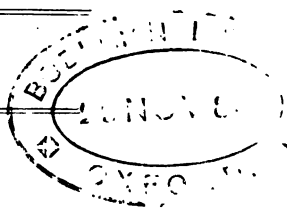


THE
BRITISH MERCHANT SERVICE
JOURNAL,
FOR 1881.

A MONTHLY PUBLICATION,
DEVOTED TO THE INTEREST OF THE SERVICE.

CONDUCTED BY THE
COMMITTEE OF THE SHIPMASTERS' SOCIETY,
LONDON.

VOL. III.



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E R R A T A .

Page.	Line.	For.	Read.
22	3rd from end	much	many
23	17	grapping	grabbing
54	14	delete " almost "	
118	19	<i>Eatern</i>	<i>Eastern</i>
153	24	at end of line add	" the "
181	24	although	through
242	1	missioners	missioner
270	15	tax-gather's	tax-gatherer's
276	15	good	food
333	26	well-know	well-known
334	8	emphasised	emphasized
	9	them	these
398	20	delete " which "	
418	last but two	dispor	dispar
419	3	indicted	indited
461	12	delete " in a few "	
	13	delete " words "	
528	last but one	my	mine
539	1	nuisance	misuse
540	14	Court's	Courts

T H E
BRITISH MERCHANT SERVICE
JOURNAL.

JULY, 1881.—VOL. III.—No. VII.

THE SHIPMASTERS' SOCIETY.

THE Fifth Annual General Meeting of the Shipmasters' Society of London was held at the Cannon Street Hotel, on Wednesday, the 22nd June, 1881. CAPTAIN H. B. BENSON, in the Chair.

The SECRETARY read the notice convening the meeting, and the Report which was published in our last issue having been taken as read,

The CHAIRMAN said :—Gentlemen, in the absence which I very much deplore of some one better able to fill the office of Chairman to-day, I am something like what we used to call Paddy on the cat harpins, simply a man on occasion taken out of your Committee, to fill a post which somebody else would have been able to do in a much more ample manner than I am able to do. However, by order of the Committee, I am here, and can only do my best, and trust to your indulgence to take in good humour any shortcomings. You are aware that our Report commences with the fact that five years have elapsed since we were all startled by a Master Mariner being imprisoned by a London Magistrate for placing a mutinous ruffian in irons. That fact led, as you know, to the formation of this Society. (Hear, hear.) I have now to say that 642 members have enrolled them-

selves since that time; and during the past twelve months 16 resignations have been received, and we have lost by death seven members. With this reduction, the register now shows that there were, on the 31st of March, upon the books of the Society, 486 masters, 44 officers, and 54 honorary members. The charming simplicity of the next paragraph, which mentions the financial statement, I am afraid needs no explanation. The figures are small, the items few and speak for themselves. I will only say that we should be very much pleased if we had a nought at the end of the balance. We have tried very hard to get it, we have tried harder perhaps than many of our friends are aware, or may suppose; your Committee have been ceaseless in their endeavours to attract by every means in their power, gentlemen whom they think ought to support us; and to a certain extent we have had support. (Hear, hear.) I am glad to say we have had the friendship and support of the Shipowners. (Hear, hear.) I think the underwriters of Lloyd's and other kindred Societies should come a little more to the front and help us to raise the standard of our brethren so as to reduce the heavy casualty list we see before us now day by day and week by week. Whilst we regret we are nearly £300 in arrears from members subscriptions, it is to be hoped that the best part of it will be collected. We certainly do feel aggrieved that so many shipmasters should forget what is due to themselves and to us, and should leave us to fight their battle without means. I cannot help saying in passing that there are some gentlemen who after they have passed out of what they consider the perils of their profession and come on shore almost immediately serve us with a letter saying our services are no longer required, and consequently they do not contribute that very small amount that they were asked to do when there was a likelihood of their needing the services of this Society to defend them in case of any

accident. (Laughter and cheers.) It is very painful to have to make these remarks, but your Committee are also pleased to add that they are few and far between. We have payments to make, and it is essential for the welfare of the Society that we should have funds at our disposal, for without them we cannot go on. Your Committee also become weary, first of all in having to find finance and in addition do the work themselves—(hear, hear); and I trust that these unpleasant remarks, which your Committee feel it to be their duty to make, may not be lost upon those who are defaulters. (Hear, hear.) I pass on now, Gentlemen, to a very old subject, viz., the manner in which our brethren are treated. We are still labouring under great disadvantages, such which I venture to think would not be tolerated or borne by any other class of Her Majesty's subjects. Taking into consideration who these gentlemen are, and what the interests are which they represent, I do not think it is too much to say that it is the second interest in this country. (Hear, hear.) Land and agriculture may be the first interest, but I venture to think that figures and statistics will show that our British shipping stands second. (Cheers.) Therefore we ought not to be dealt with in a manner to which no other subjects of Her Majesty are liable. This is not the place perhaps, nor the time to go into anything like an investigation of these matters, but we shall call your attention to what we consider of very great moment, with a view of agitating and pressing this cause until we obtain redress. It will be hardly believed when I tell you of what happened in connection with an inquiry at the Wreck Commissioner's Court a very short time ago, when the solicitor for the prosecution wrote to the solicitor for the defence and said in effect, "I beg your client will not jib, but let me have all particulars in order that I may complete my brief against him." Now, gentlemen, did you ever hear of such a thing? Fancy a man who is to be tried at the Old Bailey, and who

may be mulcted in the penal sum of £100, £200, or £300, having the prosecuting counsel address his counsel in a similar strain to that? What would be thought of it? What would be said? Why you would find that the sufferers were not a rope of sand as we are; no, they would so bring the matter to the fore that there would be no pushing it to the right or the left. (Hear, hear.) It would have to be immediately remedied; whereas here we have been now five years, labouring and pushing our cause into prominence, and endeavouring to get an amelioration of it; and because we conduct ourselves—and I hope we ever shall, certainly as long as your Committee have anything to do with this Society, and as long as we have your interests to study it shall be done — because we conduct ourselves as officers and gentlemen, and not as trades' unionists, we have been once or twice twitted with being no better. The Committee say in the Report that the "subject of costs still receives much attention." Now these costs are pretty much one-sided. It appears the Board of Trade are allowed costs, but they never grant the master's costs. I think the owners can better bear them than the masters. They are now mulcting the owners in costs. I was going to say that that is a step in the right direction. (Laughter.) At all events it will bring the owners on their mettle and give us some strong assistance, and put that part of the play on a very different footing. (Hear, hear.) The Shipping Casualties Investigations Re-hearing Act of 1879, provided that certain things should be, and certain things should not be. Now the whole of that is thrown to the winds, and it might just as well never have been passed, because it appears that the Wreck Commissioner makes the law, administers the law, calls upon the master to come up, puts him into the box, criminales him, and then sentences him afterwards. Really, as Mr. Justice Mellor said, and it has almost passed into a phrase with us now, "the course pursued of

putting the master into the box and examining him, and then suspending his certificate, could only be paralleled by the circumstances of the first French Revolution ;" and in fact that is the case. We ask you now, Gentlemen, to support us in our determination to try and get a Royal Commission appointed, with a view of once more breaking the ground, opening the question, and seeing whether we cannot get for our brethren a fair and honest trial. Such is, I believe, the birthright of all Englishmen, and such is, I believe, the right which everybody will support and maintain them in. (Cheers.) We see no other way for altering this, except to get either this Royal Commission or a Committee of Inquiry, or something of the kind. You know very well that nobody should be called upon to criminate himself; and these Courts—Wreck Courts—are *only* after all a kind of coroner's inquest, and a person must go down to the Custom House, before the Receiver of Wrecks, and *only* be subjected to some 150 questions or some gentle process of that kind—(laughter and hear, hear)—and then he finds himself before another similarly constituted tribunal, for it appears the Assessors have very little to do with it, but are quite at the will of the Commissioner. *The British Merchant Service Journal* has rendered signal service to the profession by persistently drawing attention to the reports of Courts of Inquiry, and exposing the farcical proceedings of the same. The Journal, I am happy to say, has made very fair progress quite in keeping with that of the Society, and I am sure we all trust that it may be spared to expose a few more inquiries. I hardly think it is necessary to go on and give you examples that we complain of; but to seamen, who understand what they are talking of, they are really farcical in many instances. Men are told to do impossibilities, and not to do that which is perfectly possible. The Grain Cargoes Act has been passed during the year, but its provisions cannot be considered beneficial. The

official notices issued are so numerous and of so conflicting a tenour, that your Committee feel themselves unable to give any information as to what is or what is not sanctioned in the stowage of grain. I dare say, Gentlemen, many of you have had something to do with that. I have, and I must say that it requires the skill of that gentleman we have all heard of called a Philadelphia lawyer to unravel the Act. (Laughter.) You fancy you have got it, but you find a section or sub-section that upsets everything; and the real truth of it is, that those engaged in this important trade are obliged just to do for themselves what they can. I think somebody ought to try to get this Act either made intelligible or to sweep it away altogether. To quote the Report again:—"Your Committee are pleased to say that the leading ship-owners are making more numerous applications to the Society for masters and officers, and during the year many vacancies have been filled up by the instrumentality of the Register." Now, Gentlemen, I certainly recommend those who want employment to avail themselves more freely of the channel afforded them by this Society. But they want to do something more than just come up and put their names down in a book, they want to attend, certainly if not day by day, every second day at least. The Report also says:—"We next come to the question of the Widows' and Orphans' Fund, and I have not very much to say about that. Your Committee have done fully what they consider to be their duty; they have given a very fair subscription to try to start it, but it does not rally as it should do, considering what its aim is, and the people entitled to receive benefit from it. When we see the numbers, the thousands and tens of thousands of master mariners of this country that there are, we can only sigh and look around for the cause to find why it is not taken up as it should be with vigour, for by a pull altogether it could be easily made one of the best institutions of the land now existing in the country. (Hear,

hear.) We can only wait and hope, and I do trust that the coming year will see a considerable addition to the funds that we have already in hand, and I am afraid that it does not take many figures to represent them. "The Society has received valuable presentations of charts from the Admiralty and the Marine Survey Department of Calcutta, and has been regularly supplied by the Trinity House with the Notices to Mariners, and by the Meteorological Society with the various reports. Your Committee are pleased to announce that Commander Hull, R.N., has most kindly taken these publications under his immediate superintendence, and they feel that the Society is indebted to him for very valuable services." The work Captain Hull does for us is a labour of love, but it is one of very great importance. (Hear, hear.) It is very gratifying to think that at any time we have someone able to say what is right or wrong as far as charts are concerned. Captain Hull also gives us a great deal of his time in superintending the charts we have, and bringing every correction that passes through the Hydrographic Department of the Admiralty into notice, so that we get the benefit of it. We also now have to inform you that our rooms at Jeffrey's Square were considered out of the way. It appears that really if you want to attract men you must put something before them, so that they will tumble into it, so to speak, if passing. (Hear, hear.) In Jeffrey's Square, although the accommodation was good, the visitors were few; and your Committee, after some anxious consideration, decided to remove, and after a very adroit and long business transaction, our able Secretary was enabled to get clear of one and into the other without any cost to us, which is, I assure you, a thing very much to be thankful for. (Hear, hear.) Then, gentlemen, the report closes by saying, "The thanks of the Society are hereby offered to numerous friends who have assisted your Committee in advancing the interests of the Society, and to the Admiralty, Trinity House,

Board of Trade, Meteorological and other scientific societies, for information regularly supplied for the benefit of the Mercantile Marine." That, Gentlemen, is the substance of the Report that your Committee have the pleasure to-day to hand you, and without taking up any more of your time, I am desired to express their strong hope that lukewarm friends, and a great number of gentlemen who have not hitherto given us their support, will do so. (Hear, hear.) So far as we are concerned, we do not intend to abandon the ship that we have taken charge of—(hear, hear)—and if we can carry it on our shoulders, we will, but if we cannot we cannot. Therefore let us indulge in the strong hope that you will help us. I ask and plead for our cause with all the small earnestness that I possess, and beg of you not only to do for us that which you can yourselves, but also to interest yourselves on our behalf among the circle of nautical friends that you move in. (Hear, hear.) Gentlemen, I will ask before this Report is seconded, and with a view to enlighten you previously to submitting the Resolution for trying to get the Royal Commission to examine into our grievances, that you will hear the Secretary for two or three minutes give an example of the proceedings in the Wreck Commissioner's Court, as I feel you ought not to be in want of. (Cheers.)

The SECRETARY then brought before the notice of the meeting particulars of some cases which he thought it necessary the meeting should be cognizant of. One case was conducted at the Court at Westminster on the 11th, 12th, and 13th June, and was the stranding of the *Engadine* (s). In this instance, the master acting under the instructions of his lawyer, did not furnish the Board of Trade with a deposition, having already made a statement before the Consul at Brest. A correspondence ensued between the master's solicitor and the Board of Trade, and resulted in the Board electing not to call the master as a witness. The officers and crew were, therefore, put into the box and were examined, cross-

examined, and re-examined in great detail by the presiding officer. After this the charges were formulated and handed to the Court, and proved to be divided into seven counts. It is, however, unnecessary to detail these, but merely to refer to the fifth question, which was as follows:—"Whether the vessel was navigated with proper and seamanlike care and skill." *This question was objected to by the solicitor on behalf of the master on the ground that it was of too general a nature. The Wreck Commissioner then said—"I should not find upon it. I am quite sure I shall not damnify your case there."* Upon this assurance the master was permitted on the following day to enter the witness-box, and he gave his evidence at great length. Counsel on his behalf expressed the hope that the course which he had advised his client to follow had not caused any PREJUDICE in the mind of the Court. To this the Wreck Commissioner replied—"I can only say it will not at all prejudice me; I cannot help referring to it." On the third day the Commissioner, before dealing with the facts referring to the master's evidence, said—"The master has given his evidence upon the whole in a straightforward way. The Court, however, does regret that he had not an opportunity of stating in the first instance his view of the circumstances, as it would certainly not only have lessened the time these proceedings have taken, but would also probably have put the captain in a somewhat BETTER position." The circumstances attending the stranding were then dealt with, and although the Wreck Commissioner had, on the 11th June, given the assurance that he would not find upon the fifth question, he, however, did find upon it, and his finding was divided into three heads, as follows:—"The fifth question, upon which our opinion was asked, was whether the vessel was navigated with proper seamanship and skill. In our opinion she was not navigated with proper seamanship and skill—first, in running on too fine a course, and in continuing on that course after she had got within range of the Ushant Light; secondly, in running away on a N.W. course half an hour or a quarter of an hour, simply

for the purpose of avoiding a vessel which could not possibly have come near her; and, thirdly, in not taking any cast of the lead." The other questions were then gone into, and the master's certificate was suspended, but, in order to temper justice with mercy, for three months only.

Captain DARKE then rose and said:—In seconding the motion I regret very much to call your attention to the very large outstanding amount of subscriptions. It is a matter of very great regret, I can assure you, to our Society to be in the position of being obliged to ask you to endeavour to let us have a better state of things during the next year. We are doing everything we possibly can to assist our brother sailors, our brother master mariners, in getting what we consider as their right, and what they are entitled to. We all know that the decisions lately in the Courts have been anything but what they ought to have been. We have had decisions from naval officers who have not been at all in a position to place themselves in the same situation as a master mariner very often is placed, and there have been decisions which have been most unsatisfactory. We are very desirous to get a better state of things. We have no ill-feeling at all towards the Board of Trade and towards the authorities that be. We merely wish to place the thing in as straight and proper a light as possible, and to get all we consider fair and just towards the community at large. (Applause.) I would press most earnestly upon you that you should endeavour to assist the Committee next year. The ship-owners themselves are very desirous to assist, for it is to their interest that they should assist. It is a matter of very great importance that they should get a fair decision of a case of stranding, or anything of that kind. If a vessel is lost it requires a man of very great mercantile experience to decide between what is loss occasioned by error in judgment, and what is loss occasioned by carelessness. I would argue that a man who goes on deck and stands on deck for,

perhaps, 14 or 15 hours at a stretch without leaving his bridge, and conducts the sailing and navigation of the ship, if he gets that ship on shore is only guilty of an error of judgment. People may say that it is a matter of carelessness and that he ought to have done so and so. But we all know that after a ship is lost it is easy to say what people ought to have done; but it requires a very great deal of nautical capacity to tell whether it was an error in judgment or carelessness. I beg leave, Gentlemen, respectfully to second the motion of our worthy Chairman. (Applause.)

The CHAIRMAN: Before I put that motion to the meeting I should be very glad if any gentleman who would like to favour us with a few observations would now do so.

Mr. NELSON: I am not a shipmaster, but I have been invited here to-day as I have sometimes been honoured with the instructions of your Society to defend those members who have been brought before the Wreck Commissioner's Court. I can give the best answer to the question—why the shipmasters do not subscribe a little more freely to the Shipwrecked Mariners' Society. The fact is this, that as the Wreck Commissioner's Court is at present conducted the shipmasters have quite enough to do to look after themselves. (Hear, hear.) I believe there is an old proverb which says that honesty begins at home and generosity too, and so long as they are attacked as much as they are now I am afraid that all societies will have to complain in their particular line of a falling off of subscriptions. I hope my friend, Mr. Buck, will not think I am at all depreciating the benefit which the Shipwrecked Mariners' Society confers. Then as to my friend, Mr. Holdsworth, he said (and I want to say something upon it too) that he was sorry to see that the balance-sheet did not show a few more subscriptions, and he hoped the young shipmasters would come forward and subscribe. Now as he is one of the young shipmasters, he may double his subscription and get out of the difficulty so

far as he is concerned. Now, Gentlemen, to the other matter which I believe your Secretary, thinking that there might be some little doubt thrown upon the romances he narrated to you, asked me to come here and say a word about, and that is about—I will not use the word Wreck Commissioner's Court, I will simply use the ordinary expression known amongst all of you and say the Courts of Inquiry. A gentleman, who I believe I am right in calling Mr. Darke, who seconded this resolution, has very pointedly brought before you what is the great flaw in the present administration of justice, if I may so call it. I am using the words without wanting to cast any reflection upon those who preside in these Courts. I will call it for the purpose of my present statement, "the administration of justice," although, unfortunately, it is not always so. The defect is that there is no discrimination at all between what the Act of Parliament—the Merchant Shipping Act, which provided for the cancelment of certificates—meant and an error in judgment. The Merchant Shipping Act of 1854 (I am speaking now without the book, but you may take it from me that I am within the mark) provides that if a master mariner gets drunk or is guilty of other gross dereliction of duty his certificate is to be cancelled or suspended, an inquiry being held for that purpose. Then the Act goes on to say that if it appears to the Court that that master has been guilty of any wrongful neglect or default in the navigation of his vessel and causing loss, the Court may also suspend his certificate. Now it is abundantly clear that what operated in the minds of those who passed the Act of 1854 was this—that there must be something done by the master mariner which shall, to use their concluding words, be a wrongful neglect or default. Drunkenness, which was the opening word of the clause, would be such. If any man, whether he be a master mariner or a lawyer, or anybody else in the discharge of his duty, takes something a little stronger than water, and loses

the command of his senses, it is a wilful act and default, although Lord Coleridge the other day seemed to think that if a man got drunk and knocked his wife's brains out it was not so heinous as assaulting a mistress. He gave the man who did the former six weeks, and he gave the other some years. (Hear, hear.) That is simply an illustration of the eccentricity in the administration of justice which sometimes overtakes even the judges of the land. Now, when these Courts were first instituted the Board of Trade were wholly masters of the situation, that is to say, they practically acted upon what they knew to be the construction of the Act, namely to deal with the certificates of masters who committed some neglect or default ; but in course of time it was found necessary to delegate these duties to a magistrate. The magistrates did their duty fairly well, and then (for a reason I do not want to tell you now, though I could give you a very good reason why) a Court was appointed which has increased the taxation of this country by an amount of something like £7,000 a year, and a Wreck Commissioner was appointed. Well, it was found so oppressive by your Society, amongst others, that they had an Act of Parliament passed which gives the shipmasters the right of an appeal. There has been one appeal, and that, probably, will best illustrate what I wanted to bring before your attention, and that is the difference between an error of judgment and a wrongful neglect or default. The only appeal that has been had was on behalf of a shipmaster, who was successful. That is the case of the *Arizona*, where an old master who knew the Atlantic well, had the misfortune with a good look-out, and with all his officers at their posts and himself on the bridge (where he had been for more than eighteen hours, which Mr. Darke thinks the limit of endurance), to run into an iceberg. The presiding magistrate took the master's certificate away for twelve months for doing it. The master appealed, and

the Court of Appeal reversed the decision. That, I think, is the only time the Board of Trade have had to pay costs. When the shipmasters have appealed a little more, and got the Court of Appeal to lay down what is an error of judgment and what a wrongful act or default, the Board of Trade will be a little more chary of ordering inquiry, and those who administer the law (or what they call the law) as it at present stands, will be a little more chary in fixing shipmasters with wrongful acts or default for every casual accident, instead of tempering, as they ought to do, justice with mercy, and in ascribing that to an act of default, which in nineteen cases out of twenty is simply the result of an error of judgment. (Hear, hear.) There is one thing which affects the shipmasters more particularly, and that is this : I, as a solicitor, sometimes feel for them, because, as you know, solicitors have certificates as well as shipmasters, and it is just this, shipmasters have to serve a certain number of years before they can attain to what I hope we may say is a proud position—(hear, hear)—and not only have to serve a certain number of years, but have to pass certain examinations by the Board of Trade. Therefore, the people who are going to take your certificates away are the same persons who have examined you, and have given you a certificate that you were perfectly competent to discharge your duties. Now see where the shipmaster is placed. The very man who has certified that that shipmaster is a fit and proper person to discharge his duties, is the person who takes that certificate away. You shipmasters know that they examine you as to any mortal thing, what is the line of Margate Church from Margate Pier; or how this bears from the other thing, or how the other thing does not bear from this. They ask you anything they like on any subject between sea and sun. As soon as they have done it and given you your certificate that you are competent, your vessel gets ashore, an inquiry is

held, and the chances are you lose the certificate of your competency for several months, and the unfortunate part is this, that this Act of Parliament does not say upon what grounds the certificate that has been granted by the Government is to be taken away by that same power. The lawyer knows where he is if his certificate is to be cancelled; the master mariner never knows anything at all. Take the case of the *Arizona*. If that master had not had the courage of his opinions and had not appealed against the decision, he would have been a branded man for life because he committed what the Court of Appeal even found was not an error of judgment, for they found that it was a thing that he possibly could not guard against. Now this is the exact position. You have an Act of Parliament which practically makes drunkenness and matters of that description a neglect or default. You have the Court on the other hand which construes every error of judgment into a breach of the Merchant Shipping Act. If that be the law, have a Royal Commission; have it ascertained and altered, or save the £7,000 a year which is spent upon the Courts of Inquiry, save the Wreck Commissioner's salary and have this Act of Parliament passed. Whenever a vessel gets ashore or gets into collision, suspend the master's certificate for twelve months; that saves our pockets and there is an end of it. The Secretary asks me to say whether the sketch of the proceedings in the case of the *Engadine* which he gave was correct. There is no doubt that what he has said is correct. I happened to be the solicitor who advised the master of the *Engadine*. I found that he had made a deposition under the Merchant Shipping Act before the Consul at Brest. The Board of Trade requested that he should attend before a Mr. Watson, a gentleman whom I dare say some of you gentlemen have heard of or been before, to give evidence for the brief which he was instructed to prepare to hold the Inquiry against this master. I declined to allow the master

to attend, and the Board of Trade wrote me a letter saying, that under the circumstances they could not press it. So far there was an end of the matter, but the counsel instructed by the Board of Trade was instructed to bring it before the Wreck Commissioner, and say it was a very wrong thing for a master or a solicitor to have done. All I can say is, I offered to counsel the withdrawal by the Board of Trade of their letter, and I shall be happy to make the Board of Trade the offer at any time if they put themselves in the same position, and we will have this question settled by judicial decision.

The CHAIRMAN: We are very much obliged to Mr. Nelson for the light he has thrown upon the subject and preparing us for the resolution which is to follow the present one. I now, in pursuance of our business, beg to move that this the Fifth Annual Report of the Shipmasters' Society be received and adopted.

The resolution for the adoption of the report was then carried unanimously.

The CHAIRMAN then put the next resolution: " This Society pledges itself, in concert with kindred societies, to take every legitimate means to obtain redress of the wrongs under which masters and officers of the Mercantile Marine labour, and to insure to them that the proceedings of Courts of Inquiry shall be in conformity with constitutional procedure. The system now in force, which has been condemned by a Royal Commission, demands the attention of the Legislature; and this meeting desires to urge upon Government the necessity to appoint a Royal Commission to examine and report upon the system by which Official Inquiries into shipping casualties are ordered and conducted."

Captain HATFIELD, in seconding the resolution, said: As a member of the Executive Council of the Liverpool Mercantile Marine Association, and as President of the Liverpool Seamen's Protective Association, I find myself here amongst

people who, I know, are not strangers to our profession. Some two years ago I moved a similar resolution in the Town Hall, in Liverpool, on the same subject. At that time the case mentioned in your report as to a case of appeal to the Queen's Bench was then pending, and I had then occasion to remark upon that case, which, I think, was one of the most flagrant cases of injustice ever recorded in our country. I had the honour of giving evidence before the Royal Commission, and I was questioned upon the subject and gave it as my opinion almost word for word as given in the report. They say in the summing up :—" We are of opinion that the present system under which the certificate of a master or other officer is suspended, very frequently only for an error of judgment, should be entirely discontinued, and that neither the Court of Inquiry nor the Board of Trade should have the power of dealing with the certificate. We think that the certificate of the officer should never be suspended, but that, in cases to be provided for by express enactment, the tribunal before which the officer is tried should have the power of cancelling either all his certificates, or, at its discretion, his higher certificates, leaving him in these cases the power of finding employment in a lower grade." It seems to be a contradiction of terms, and a contradiction of circumstances, that when a department like the Board of Trade examines a man, and grants him a certificate, they should, perhaps the next week or the next month, if it so happened, suspend that certificate and take from him the means of subsistence. I think it is an old maxim in British law that you shall not deprive the mechanic of his tools, and if that be so it should apply with equal force and justice to the shipmaster. You should not deprive the shipmaster of his certificate any more than deprive a solicitor of his certificate who happened to lose the case that he was defending, or deprive a doctor of his certificate if a patient dies. (Applause.) As the time is slipping on and I do not wish to take up more of your time,

I will conclude my remarks by bringing to the Society the cordial goodwill and feeling of our Liverpool Association, who have asked me to appear here to-day and represent them and speak on their behalf. I have great pleasure in seconding this resolution, and trust that it will be effective in bringing about some good results.

Captain FROUD: Mr. Chairman and Gentlemen, I want for just a minute or two to give expression to my determination to support by every means in my power the resolution which has just now been put and seconded, and to give one or two reasons for doing so. I am very sorry to have to complain of the Courts as they now stand, but I do think that if the spirit of the law and the Acts of Parliament as they exist on the Statute Book were carried out, we should have less cause to complain. The letter of the law seems to be entirely ignored. We could give any amount of instances if the time would allow. I will just mention that reference to the file of Official Reports shows, that the case of the *Druid*, No. 865, was heard at Glasgow before Justices, without even an Assessor having experience in the Merchant Service or holding a certificate of competency. The Assessors being Capt. E. White, R.N., and Commander G. Holt, late Indian Navy. Another case, that of the *Earl Percy*, s.s., No. 881, heard at Westminster, shows two Assessors, both of whom have served solely in sailing vessels, nominated to an inquiry when a steamship is in question. Many such instances occur, and it seems that it is of no use at all to complain. Somehow or other we have not the sympathy of the public. We cannot get a sympathetic audience. Mr. and Mrs. Plimsoll seem to have run away with all of them. It does appear to me that we are to a great extent looked down upon, and if I may say so treated with *contempt* as merchant shipmasters. I speak now of a personal matter, showing that as plainly, I think, as anything possibly can do. I hold an extra master's certificate dated 1855, and a

master's certificate since 1853; and also a Royal Naval Reserve Commission, dated 1862. I should say I was one of the very first to join the Naval Reserve. During the past winter I had occasion to look at the Navy List for the name of an officer, and found my own was missing. As directed in the Navy List I applied to the editor, and almost in the course of a post received a letter from Mr. Thomas Gray (who by-the-bye I did not know was the editor of the Navy List), saying, "Sir, I am directed by the Board of Trade to inform you that the Lord Commissioners of the Admiralty have approved of your name being removed from the list of officers of the Royal Naval Reserve, for the reasons that you have not been to sea since the year 1874, when you became a member of the firm of R. W. Cousens and Co." I certainly thought that that commission, bearing as it does the signature of two Lords of the Admiralty and their Secretary, was worth a little more than that. If I had been sacking the boy who attended me, I should certainly have given him notice that I was going to do so. The law would have compelled me. But I, being a shipmaster, was not considered worthy of it I suppose; no notice of any kind was given me. I cannot for the life of me conceive any reason why the commission should be taken from me in such a manner. I of course appealed, and addressed myself to the Secretary of the Admiralty, and after five or six months my commission was returned to me in another shape. That is a very illegal, or at any rate extraordinary way of proceeding towards one. (Applause.) Is it not? I hold that some of my brother officers whose names appear in this Navy List, and who are not of the merchant service would not have been treated in that manner. My position is precisely similar to that of a naval officer. What naval officer would have been kicked out in that way, I should like to know? I have no doubt there are some naval reserve officers before me. The reason given for this treatment is, that

I have been six years away from sea. I dare say there are several others here in the same boat—many others—and I do hold that if it is the law that a man may be turned out, public notice ought to be given of it. If I had committed myself in any way, if I had been taken before any court-martial, and my certificate or commission had been taken away from me all right, I could not have complained, but nothing of the sort in any shape took place. That, Gentlemen, is the way in which the whole shipping community, that is to say, the owners, shipmasters, and officers, appear to be treated under the influence of an extraordinary excitement got up by some people of a sensational turn of mind. I very heartily support the resolution which has just now been put to you.

The CHAIRMAN put the resolution, which was carried unanimously.

Captain BUCHANAN then moved—"That this Society desires to offer its cordial thanks to the numerous friends who have assisted the Committee in advancing the interests of the Society, and to the Admiralty, Trinity House, Board of Trade, Meteorological and other scientific societies, for information regularly supplied for the benefit of the Mercantile Marine."

Captain FROUDE seconded the resolution, which was put and carried.

Captain GODDARD: Every speech we have listened to hitherto has been more or less of a complaining strain. There has been something to regret. Our Chairman could not himself help giving a slight rebuke. As a master mariner myself, I feel on the part of my brother shipmasters the justice of his remarks in every respect. I am sure that there is a necessity for them. I am called upon to ask you to give a most cordial vote of thanks. My resolution is "That the most sincere thanks of the members of the Society and of this meeting are due to, and are hereby

" most heartily offered to, the Committee of Management for
" their untiring efforts on behalf of the Mercantile Marine
" generally, and for the welfare of the members in particular." Now, Gentlemen, it would be presumptuous on my part to show why this should be done. You probably all know just as well as I do what our Committee has been doing. Those gentlemen are, of all others, or at least are taken from that class which of all others is the best fitted to represent us. I feel sure that I am expressing the feeling of all here when I say that I am deeply grateful to those gentlemen for what they have done in the past. Mr. Nelson, who has been speaking to us, has explained better than anyone else could the necessity for such Society, and our Committee, by the way in which they have been acting on that one point—I mean the endeavour to improve the Courts of Inquiry by their untiring efforts in that direction—should call forth the most hearty approval that we can give them. That I conceive to be the main object of our Association, and as far as I can see our Committee is devoting its untiring efforts in that direction. I will not detain you any further, Gentlemen, but I will ask you now, in the words of this motion, to give your cordial vote of thanks to our Committee for what they have done in the past, and I will myself express a sincere hope that they will continue to do so in the future. (Applause.)

Mr. NICOLSON: Mr. Chairman, I beg to second that most heartily.

Captain GODDARD put the resolution which was carried unanimously.

Mr. BULLIVANT: Mr. Chairman, will you just allow me to say a few words? I cannot say I am one who, as a member of this Society, feels very much gratified with the Report as read. That is to say, I think the funds of this Society are simply ridiculous. We have at the present time a balance at the bankers of only a

little over £100, and considering that the Society has now been formed five years, I think that it is a rather deplorable state of things, and a condition which such a Society as the Shipmasters' Society ought not to be in. There is no doubt that the shipmaster has very many grievances to complain of, and the only way to get them redressed is to join together, as I am very happy to see that they are now to a very great extent joining together, and before they can make much progress they really must be in a better position as far as funds are concerned. I should, therefore, like before this meeting breaks up, to put in some form or other some plan by which to improve the funds of the Society. I should like to see instead of this balance being £100, a balance of £1000 at the bankers, and I should like to propose that you try to get £1000 together at your bankers between this and next year, and as a nucleus I should be very happy to contribute £50 if others might feel disposed to contribute a similar sum to raise that balance. There are many ship-owners to whom £50 is not a large sum; they have only to be asked and they will give it. I beg to suggest that a fund be opened for raising £1000 for the Shipmasters' Society, and I should be happy to say if nineteen other gentlemen will do the same, I shall be very glad to make the twentieth.

The CHAIRMAN: Gentlemen, as the present mouthpiece of the Committee, I beg to tender you our sincere thanks for the kind manner in which you have received Captain Goddard's motion; and whilst we thank you for the kind manner in which you have received it and passed it, we assure you that those efforts which we have made for the benefit of this Society are sufficiently rewarded by our receiving from you this day the great encouragement which you have given us. We shall continue to do the same, and we hope that on future occasions our report may be even more satisfactory than the present one. With respect to Mr. Bullivant's generous offer, I think the best thing I can

say is that we shall be very happy indeed to see him at 60, Fenchurch Street, any day that he will make an appointment with our Secretary, and we will endeavour to give effect to what he has already so nicely proposed. We thank you very much for your attendance, and hope that you will give it to us again when required.

STEAMERS' LIGHTS AND NO LIGHTS.

I HAVE read the article on the above by "Lights" in the February number of the Journal, and Capt. Colomb's reply on the same subject in the following number and wish to offer a few observations on the same head, together with a few on another evil which I do not think has been taken notice of before.

With regard to the position of the masthead and side-lights, I may mention that all ocean-going steamers which carry square sail forward carry the masthead light on the fore-topmast stay, about half-way between the stemhead and foremast, so that the side-light must of necessity be abaft this, in some ships more than others. Were the light carried at the foremast as "Lights" suggests, the ship would not be able to carry square sail forward at night time (and this I suppose he does not contemplate forbidding) as the sails would obscure the light. Where the light is carried on the stay, the side-lights cannot be carried one point before it as they would show across the bow.

The same objection as above, applies to Capt. Heckford's proposal in the December (1879) number of this Journal. The lights he advocates would be totally obscured by the foresail, apart from the inconvenience and danger of having one set of lights for sailing ships and another for steamers.

I hold with Captain Colomb that the present arrangement of the lights, although faulty in many ways, if the said lights

are properly placed and screened and *kept burning brightly* affords every necessary indication of a vessel's whereabouts. and of the direction in which she is proceeding, of course with a margin which must be allowed for.

This leads me to another matter for consideration.

Captain Heckford, in the same article, writes of the "dreaded danger" of steamers. I can only say that I find a better and more careful look-out kept in steamers than I ever saw in sailing ships. People will say, "so there ought to be," you are "independent of wind and weather," but that does not exonerate a master if he does not carry his lights at all. I have just arrived in a mail steamer from the southward and from the south-east trades to the parallel of 40° N. or thereabouts. Out of a whole lot of sailing ships passed at night (the majority near the Equator) in only one instance had the said ships their side-lights out when seen. I have gone so close to a ship on a dark night, that I have seen the red or green light, whichever was wanted being rushed along the deck, and put out as we passed. Sometimes they do not put out any light all—perhaps never saw me. I am sure that plenty of the members could tell a like story, and add that they are or were not supplied with enough oil to burn *every* night during the voyage. I myself have been in ships where the side-lights were never put out, except when necessary, that is to say, when a vessel was sighted, after we cleared the Channel and got the N.E. trades, enough oil for every night was never put on board. I have had to stow away a drum of colza oil for use in Channel, &c., on the homeward voyage, as the oil bought abroad, because cheaper, invariably thickens in cold weather, and the lamps when filled with such stuff had to be put on the galley-stove to melt. In very few ships will you find the men allowed oil all the voyage for the fore-castle, they are generally reduced to burn a filthy compound, skimmed off the surface of the water in.

the cook's coppers. Now, this sort of thing ought not to be allowed ; shipowners ought to be compelled, and there are some who won't do it without compelling, to carry sufficient, and more than sufficient, oil for the contemplated voyage, so as to enable the master to carry side-lights every night and all night. I am sure numbers of lives are lost annually through this cause alone, looking at the fearfully narrow escapes which even I, during my experience on a steamer's bridge, have had. The line of steamers, in one of which I am, invariably burn Brighton fluid in the masthead and side-lights. It is the very best for the purpose, is cheap, a great point now-a-days, clean, non-explosive, and will burn brightly to the very last drop in the receiver. It is always stored in a small iron tank supplied for the purpose, and kept on the spar-deck. The only danger from it is, that if wood-work is soaked with it the wood is apt to fire, and this, of course, is carefully guarded against. Enough for the day's consumption is drawn off day by day, and it gives every satisfaction and a brilliant light. There may be some objection to it, *per se*, by the underwriters ; but on this point I am ignorant, still that fact does not meet what I have stated, that all ships should be compelled to carry enough oil for the whole voyage.

Would shipowners supply lime-juice unless they were compelled to do so ? Of course not, if it were only recommended as a sure anti-scorbutic, the great majority would pay no attention to the recommendation ; in the same way they should be compelled to carry side-lights from sunset to sunrise, and a penalty should be recoverable in the same manner, for are not the lives of men of as much value as their health ? How rarely now-a-days do you read a case of non-issue of lime-juice. Not until the non-carrying of lights is made a misdemeanour will they be carried at all times and in all places.

In the event of a steamer colliding with a sailing ship without lights, there would be a deal of hard swearing, as

there always is, although the officer on the bridge of the steamer ought to be covered by Article 23; still our learned Commissioner, at Westminster, might find him to blame under Article 24. I am sure that if the officers in the mail steamers running to and from the Cape were asked, they could a tale unfold to the same purpose. When I was in a sailing ship we never carried the side-lights in the S.E. trades, from the Cape to say beyond Ascension, the plea being that all the vessels in that part of the world were going the same way! Twice was I nearly run down by a steamer bound to the Cape, she being totally obscured by our sails, and the look-out man probably dozing. However, I suppose she saw us and got out of the way, for the first intimation I had of her propinquity was, in both cases, her sudden appearance outside the leech of the lower studding-sail. Then ensued the rush for the necessary side-light which was not ready until she had passed. This I suppose is only one instance of many similar ones.

Captain Colomb's golden rule is one which I have long followed in cases where it was necessary to avoid collision. I go further than he does and say, that in no case where it is applied in time will a collision ensue, but of course it must not be used in cases where ships would go clear without touching the helm, and this brings me to an occurrence which happened to me the other day. I saw a steamer's masthead and side-lights a little open of my starboard bow, she gradually widened the bearing to about three points on the bow, showing that she was steering a parallel or nearly parallel course to ourselves. Suddenly I saw her red light open and then the green light shut in, and saw she was porting across my bow, what for, to this day I can't make out. Thanks to my having steam-steering gear I put the helm hard-a-port in two or three seconds and passed under her stern about a ship's length off. Again making the Channel from the southward, bound to the Needles, we saw

a steamer steering up Channel also on the port bow, this was in broad daylight; I afterwards found that she was bound to Havre from America. We were clearly crossing ships within the meaning of the rules, but she came on and tried to cross our bows from port to starboard, and a collision was only averted by our stopping the engines and going full speed astern. I suppress his name for obvious reasons. Yet another instance, this occurred in a river some fifty miles broad at the place, so that it might almost be called an arm of the sea, the actors, a large mail steamer, going between eleven and twelve knots, and one of Her Majesty's gunboats. The gunboat was observed on the starboard-bow, white and green lights visible; both ships were steering parallel, but opposite courses, when the captain of the mail steamer who was on the bridge suddenly saw her red light open and the green shut in. There was no steam-steering gear in this case, so all he could do was to reverse the engines full speed and blow the whistle. The gunboat crossed close under the stem! The sub-lieutenant in charge, on being taxed afterwards, tried to throw the blame on the mail steamer, stating that he understood the rules to mean that *all* steamers should pass port-side to port-side under all circumstances.

Comment on this is superfluous.

In all the cases quoted above there were no extraneous circumstances to account for the movement of the helm. Some people say—oh! it is his place to get out of the way, let him do so; but when a collision appears imminent, it is an officer's first duty to avoid collision, if possible. In the first instance mentioned, had I not had steam-steering gear, I believe a collision would have ensued, and this, with between two and three hundred people on board, would have been perhaps very serious. While such perversion of the rules still exist in men's minds, all the regulations that have been or ever will be framed will be powerless to avert collisions.

MAIL STEAMER.

JUDGMENTS IN LAW COURTS.

"*Comparisons are odorous.*"—

MUCH ADO ABOUT NOTHING.

"*O Jupiter! there's no comparison.*"—

TROILUS AND CRESSIDA.

WE believe we are correct in asserting that in the Common Law and Chancery Divisions the judgments are published as taken down by the shorthand writers while they are being delivered, and that they are not submitted to the judges for correction, not being in fact corrected at all. On appeal the judgments of the Common Law Judges and of the Court of Appeal are printed exactly as they are delivered. In the Admiralty Division a copy of the shorthand writer's notes of the judgment is, on payment, delivered to the parties whether they appeal or not, and the ordinary custom is for the solicitor for the appellant to send a transcript of the judgment as taken down by the shorthand writer, to the secretary of the judge for correction, and when corrected it is printed in the appeal case.

In appeal cases before the Judicial Committee and the House of Lords, the two final appeal Courts, the judgments delivered *viva voce* are reviewed, for obvious reasons, ere they are printed or are entered on the record.

The Wreck Commissioner although his is not a Court of Appeal an appeal therefrom lying to the Admiralty Court, claims for himself the privilege of a member of the Judicial Committee to correct his *viva voce* judgments ere they are printed, and to ensure no other correction being made, directs the official shorthand writer whose services are paid for by the public, not to supply under any circumstances a copy of the notes of his judgments. The need to adopt this extraordinary course is, we think, explained in another article on the *Engadine*, the corrections and alterations pointed out therein make it indeed.

"A judgment maimed and most imperfect."—*Othello*.

JUDGMENTS IN THE WRECK COURT.

*"Sometimes fair truth in fiction we disguise
Sometimes present her naked to men's eyes."*—HESIOD.

IN our January number appeared extracts from some of the published judgments of Courts of Inquiry, put together in the official form for the purpose of drawing attention to the extraordinary character of the judgments given in cases in which Masters' Certificates are dealt with and to exemplify the necessity for carrying out the recommendations of the Royal Commission, viz., to amend the system and to separate the inquiry into the casualty from all proceedings of a penal character.

To justify this course and to prove that we have not exaggerated we now publish verbatim the judgment as actually delivered in Court by the Wreck Commissioner in the case of the *Engadine*, together with the corrections, alterations, omissions and additions made therein, which appear in the judgment as published by the Board of Trade. In this strange document will be found the amplest substantiation for our remarks that these judgments "are often a medley of facts, suppositions, presumptions, weak arguments and information of a very general nature."

The judgment further shows the necessity to reconstitute these Courts so that they shall be composed, as we have already suggested, of practical sailors, the President to be a man of well-known practical knowledge, and the members merchant captains selected for their known experience in recent years, assisted by a legal Assessor whose duty shall be confined to advising the Court on all points of law, and in regulating, as in Courts martial, the proceedings of the Court. It still more strongly demonstrates the advisability of directing, as we have always urged, that the judgments shall be written and shall be signed by the Assessors before they are delivered in Court so that the Assessors shall be, not

merely advisers, but an integral portion of the Court, directly responsible for the judgment given—a reform that the *United Service Gazette* also urged last September, because “at present the Assessors find themselves committed to a judgment which practically they have had little to do with.”

There are many points to which we must refer arising out of the manner in which the judgments are delivered, altered, toned down or emphasised, as seems good to the Judge. One of them is the injury which might be done to the master who may desire to appeal from the judgment delivered, but who finds himself unjustly hampered and put to great unnecessary expense thereby. We will show this by reference to the case of the *Kestrel*, premising that the position taken up by the Wreck Commissioner is one for which there is no precedent.

Immediately the judgment was delivered in Court the solicitor for the master notified his intention to appeal, and the next day applied to the shorthand writer of the Court for a copy of the notes of evidence and of the judgment, a copy of the judgment was refused, and the Board of Trade, on being applied to, referred the solicitor to the Wreck Commissioner as it was under that official's directions the shorthand writer refused to supply the copy of the judgment. We give the reply to this last application.

“Office of Wreck Commissioner, Somerset House,

“31st May, 1881.

“‘KESTREL.’

“Dear Sirs,—In reply to your letter of to-day's date, I am directed by the Wreck Commissioner to inform you that the practice of the Judicial Committee of the Privy Council has for a great many years past been not to allow the shorthand writer to supply a copy of the notes of the judgment to the parties until they have been carefully corrected by their Lordships; and the same practice has been followed by the Wreck Commissioner.

"I am to add that the report of the *Kestrel*, which has been already sent in to the Board of Trade contains in effect a corrected copy of the judgment, and a copy thereof, could, no doubt, be at once obtained on application to that department. "I am, dear Sirs, yours truly,

(Signed) "W. C. ONSLOW.

"Messrs. Lowless and Co., &c. &c."

The law allows only seven days within which to lodge an appeal, and it was only on the very last day that a copy of the judgment was supplied, and this differed in many material points from that delivered in Court, and on which the notice to appeal was based. Putting on one side the legal effect of the alterations in the judgment, which so toned it down as to render the appeal almost objectless, the effect was to put the master quite unnecessarily to very heavy expenses, the many applications made and the letters written having all to be paid for, and this because a Judge of a Court of First Instance issues an order, which is quite unprecedented, directing the shorthand writer whose labours are paid for by the public purse to refuse to supply on payment to a poor master the notes on which alone he can frame his appeal, thus putting an unnecessary obstacle in his way for a purpose that the judgment we refer to shows to be one of a personal, not of a public nature.

Mr. Rothery has accused us in open Court of devoting our pages to attacking and libelling him. If he thinks we have libelled him the law is open to him and he can prosecute us, and upon public grounds we call upon him to do so. It is no libel to point out the illegality of decisions no matter by whom given, nor is it libel to show the injustice done in these inquiries to the masters and owners. So long as our remarks are fair, we do not libel a man when we point out that the judgment which by law must be delivered in open Court is not the judgment that is published when it has been turned inside out, when admissions that tell very favourably

for the master are most carefully expunged, when additions that tell against him are subsequently inserted, when opinions fathered in Court upon the Assessors are deleted because the Assessors refuse to admit the paternity, when remarks made by the solicitor for the master after the Court has risen are inserted in the judgment as if they were admissions made before the judgment was delivered. In plain English the Commissioner indulges a weakness which leads him into rhetorical flourishes, and strong statements which the cooler temperature of his private chamber induces him to modify. We have no hesitation in saying that the delay in publishing the judgment arose from the painful necessity to rewrite it, to bolster up parts, and to tone down others in order to obtain the signatures of the Assessors, a course that if somewhat derogatory is better than that of signing without a power of attorney.

If to do this is libel we can only say in the interests of truth and justice that we are ready to be guilty of libel, we seek only to obtain for the masters the justice that is denied them, we do not doubt that in the end we shall succeed, and we are sure that if our challenge be accepted, one party to the suit will ultimately be very sorry for it, and the one to feel the sorrow will not be ourselves.

GEOGRAPHICAL POSITIONS IN THE ATLANTIC OCEAN.

THE expedition sent by the United States Government to determine the geographical position of places between Lisbon and the River Plate inclusive, have accomplished their purpose; the results are given in the following table, wherein the latitudes and longitudes of the same places, as shown on the Admiralty Charts, are also inserted for the sake of comparison.

Place.	Observation Spot.	By the United States Expedition.				By the Admiralty Charts.	
		Latitude.	Longitude.			Latitude.	Longitude.
Lisbon	Royal Observatory	38 42 31 N.	0 1 "	h m s	0 36 44.7	0 1 "	0 1 "
Madeira	Flagstaff of Fort St. Jago	32 38 4 N.	16 53 53 W.	1 7 35.6		38 42 28 N.	9 9 3 W.
St. Vincent (Porto Grande)	Brazilian Telegraph Co. Offices	16 53 20 N.	24 59 22 W.	1 39 57.5		32 38 6 N.	16 54 8 W.
Pernambuco ..	Fort Picao Light	8 3 22 S.	34 51 57 W.	2 19 27.8		16 53 12 N.	24 59 43 W.
Bahia	San Antonio Lighthouse	13 0 37 S.	38 32 6 W.	2 34 8.4		8 3 31 S.	34 51 43 W.
Rio de Janeiro ..	Dome of the Imperial Observatory	22 54 24 S.	43 10 21 W.	2 52 41.4		13 0 38 S.	38 31 57 W.
Monte Video ..	S.E. Tower of the Cathedral	34 54 33 S.	56 12 15 W.	3 44 49		22 54 22 S.	43 9 49 W.
						34 54 23 S.	56 11 48 W.

From this table it will be seen that, with one exception, the positions shown on the Admiralty Charts agree fairly with these latest determinations. The only material difference being in the longitude of the Royal Observatory, Lisbon, which is placed by the officers of the United States expedition 2' 7" of longitude to the westward, *i.e.*, about 1.7 nautical miles to seaward, of the position now given in the English Charts and Sailing Directions.

As it is not yet known to what extent this error may affect the adjacent coast between Cape Finisterre and Cape St. Vincent, sailors are requested to remember, when navigating the shores of Portugal, that the land may lie 1.7 nautical miles to seaward of the position assigned to it on the Admiralty Charts.

MEMBERS OF THE BAR ON COURTS OF INQUIRY.

DURING the hearing of the appeal of the master of the *Kestrel*, s.s., from the judgment of the Wreck Commissioner to the Admiralty Court, the following remarks were made by counsel, and they seem to us to be well worthy of record.

The extract from the judgment in the appeal is of great importance, for it shows, as we have pointed out, that masters are dealt with by the Wreck Commissioner in a more severe manner than the circumstances call for.—*Ed. B. M. S. J.*

Mr. BUTT, Q.C.: . . . I submit that the master is not in quite the same position as he is in the Court of Admiralty. Here is a highly penal statute which gives a Judge sitting with nautical Assessors a power which is short of imprisonment it is true, but a power of inflicting serious penalties upon a

man as it deprives him of the means of earning his livelihood ; it is a very serious penalty. And what I shall have to submit upon that point is that when you have to go into the question of whether the steering half a point on a wrong course, if you should hold it to be wrong, is a matter which comes within the words of the statute whether he has been guilty of a wrongful act or default in doing so, it is very material to show what the practice is, because although it may be perfectly competent and I should not dispute it for a moment, for your lordships, either with or without the advice of your Assessors to lay down that the course is in fact a wrong course, not a right course, still, if it is a course which is always followed by navigators in this place, I should venture to submit it could not be held to be a wrongful act or default within the meaning of that Act which is to involve the suspension or loss of the man's certificate. . . .

The first witness is Robert Cox, who is the appellant here, and in these matters it has been of course a subject of frequent comment that these men, who are practically on their trial, knowing that their means of livelihood may be taken away as the result of the inquiry, are treated in a different way, I do not deny that it is under the authority of the Act of Parliament—from that in which we ordinarily treat people on their trial for offences which involve serious penalties, that is to say they are themselves put into the box and cross-examined not only by the counsel but by the Court. However, he is called by the Board of Trade by my friend, Mr. Verney, who represents them, and he says he was master of the *Kestrel*, &c. . . .

Dr. PHILLIMORE: . . . A good deal has been said about the Report. Your lordships no doubt have this fact, the Wreck Commissioner discharges a double function ; he is not there to suspend or cancel, he is there to report for the benefit of the country upon the circumstances of every case, and it is an everyday practice for the counsel to say " How is this evidence

against the officer whom I represent," and for the Wreck Commissioner to say "it is not evidence, but it is my duty to report to the Board of Trade." It would have been consistent with the practice for the learned counsel for the Board of Trade to have asked the Wreck Commissioner "Are you of opinion that sufficient precautions were taken to swing this compass? Ought not this compass to be swung every twelve months?" A question which would affect the owners not the captain. I am this moment fresh from an inquiry before the Wreck Commissioner in which the learned Commissioner, I am happy to say, has not thought it necessary to punish any officer, he has dealt with it very leniently upon the whole. I represented an officer there, but of the questions which were asked—there were a great many—there were questions affecting my ship, questions affecting other ships, and questions affecting people who could not be dealt with at all. One question is as to the pilot. They are not under the authority of the Wreck Commissioner. It does not affect the pilot at all. In order, perhaps, to finish that point, may I state to your lordships that this has been a matter of judicial decision in the Queen's Bench Division. There is a case of *ex parte Storey*. I refer to it merely as pointing out what I have said than anything else. It is in 3 Q.B. Div., p. 166. There a steamship was stranded; the circumstances are like this, but the ship was got off without damage or loss of life, and the Wreck Commissioner thought fit to suspend the certificate of the master. The master asked for a writ of *certiorari* to have the matter brought into the Queen's Bench Division and tried, and the *certiorari* was granted him. The contention of the Board of Trade was that inasmuch as the Act which gave him power—the Act of 1876—to inquire into the stranding, that gave him power to suspend the master's certificate, but the Court pointed out this—he has power of inquiry where he has no power of punishment.

Thus he can, under that Act, inquire into stranding whether there is loss of life, or damage, or not, but only where there is loss of life or damage does his jurisdiction arise. Therefore he has, in a collision case of several vessels, to inquire into the conduct of all sorts of persons, owners, masters, pilots, and he has to report to the Board of Trade upon all those cases. His lordship, Sir Robert Phillimore, referred to this question as being a matter which started the inquiry. With submission, that is not so. The inquiry starts in this way. All that the officer knows is that he has a formal notice printed by the Board of Trade that an inquiry will be held in the matter of a ship "A," in the matter of a collision between ship "A" and ship "B." It is a sort of skeleton notice by the rules that an inquiry will be held on such and such a day, and as an officer you are to attend—something of that sort. The counsel for the Board of Trade makes a general narrative statement. The witnesses are called by the Board of Trade first, and they call certain witnesses afterwards, and it is not until the witnesses are examined that the counsel for the Board of Trade puts the questions.

Sir R. PHILLIMORE: Were these questions put after the evidence.

Dr. PHILLIMORE: Yes, they must be, under the rules. Upon the evidence given you have power to call witnesses afterwards, but in this particular case one witness was called, and in the other case which I referred to which lasted six days, two were called, some twenty or thirty having been called before. Their questions are framed by the Board of Trade and put, you can put leading questions as to checking the deviation of compasses, questions as to surveying ships to see if their lights are right before they leave port. Such questions are asked, and properly asked by counsel, of the Wreck Commissioner or Magistrate as the case may be, and they make reports. I am told and I think it is so,

they hold inquiries where a vessel is lost with all hands, and there is nobody who can be called. I myself represented owners where but two hands were saved after the casualty. Inquiries are held without the slightest intention of touching the officer, or without making a report unfavourable to the owner, simply that the general navigation of the country may receive benefit from such inquiries. . . .

The PRESIDENT, in the course of giving judgment, said: I am of opinion, and my learned brother concurs with me in ruling, that the decision of the Commissioner must be affirmed; but he is of opinion, and I see no reason to differ from him (I put it in this manner, because my experience upon questions of this kind are of very limited extent, I therefore defer with great willingness to his judgment) he thinks that the punishment was more severe than the circumstances called for. We therefore recommend that the remainder of the certificate be remitted, seeing that the master has already had it suspended for now a month, or thereabouts, and that that is a sufficient punishment to mark the extent of the transgression and wrongful act of which we think he has been guilty.

VARIOUS OPINIONS ON THE "BRITISH MERCHANT SERVICE JOURNAL."

"A MAGAZINE which appears to devote its pages to attacking and libelling me. In an article lately published it has been pleased to impute that I am the cause of what you complain, a statement which you, Mr. Nelson, know is not true."—*The Wreck Commissioner on the Bench, Westminster*, 25th May, 1881.

"Our youngest nautical contemporary, the *British Merchant Service Journal*, makes steady and marked progress, and the-

articles which have appeared in the six numbers issued this year may certainly lay claim to be far beyond the average. Its pages show that a very close attention is devoted to the cause of the Mercantile Marine, as the facts brought to light, and which seem to us incontrovertible, abundantly testify.

"All questions of maritime interest are dealt with, but the subject of Courts of Inquiry takes the most prominent position, and we think that those responsible for the conduct of the journal do well to concentrate their efforts upon one point at a time.

"The system under which certificated officers are tried in the Wreck Courts is exhaustively described in a series of articles which deserve very great attention, expressing, as no doubt they do, the opinion of those who command our Mercantile Marine, gentlemen who should receive from the nation the consideration to which they are so justly entitled, and which a Royal Commission so far back as 1876 reported that they should receive.

"The persistent exposure of the wrongs under which the sister service labours, indicates a determination to leave no stone unturned which may tend to bring about the much-needed and long-deferred reform. It is evident that the articles bearing upon official inquiries are causing no small stir in the Metropolitan Wreck Courts, for we observe in the June number a very able paper entitled, 'Mr. Rothery and Ourselves.'

"This article is valuable on public grounds, and has been published owing to an attack made upon the Journal. It appears that our contemporary drew attention, very properly we think, to an irregularity which has occurred on two occasions in the service of subpœnas, and the comments thereon seem to have excited the ire of the Wreck Commissioner, who in Court was pleased to say that the *British Merchant Service Journal* devoted its pages to attacking and libelling him.

"Far from thinking the learned gentleman to have been libelled, we consider that our contemporary is discharging a great public duty in exposing the weak spots of the Courts of Inquiry and drawing attention to the manner in which the proceedings are so frequently rendered most offensive to all interested. One quotation will suffice, in which we quite agree with the writer of the above-named article, and we feel confident that all who have the patience to read them will do so also :

" ' That the judgments, or whatever they may be called of the Court of Westminster, are often a medley of facts, suppositions, presumptions, weak arguments, and information of a very general nature, and that they resemble the arguments of a counsel of an encyclopædic turn of mind, based on a brief drawn by a man of theoretical, not practical, knowledge of the subject.' "—*Coiburn's United Service Magazine*.

"A Flag-officer" writes:—"I am amongst those who have always appreciated the efforts of the *United Service Gazette* to bring the Mercantile Marine into closer connection with the Royal Navy. May I bring to your notice a monthly magazine entitled the *British Merchant Service Journal*—in the hope that you may see your way to give it a lift, for it is moving in a good direction. My own opinion has long been that the Mercantile Marine is too much hampered by the Board of Trade on the one hand, and not sufficiently supported by it on the other hand. Although the simile may not by ourselves—I mean our Naval selves—be thought a very apt one, still I think the Mercantile Marine should be to the Board of Trade what the Navy is to the Admiralty. That is to say, the Board of Trade should take a pride in the Merchant Service, but instead of this it apparently permits it to be treated—well, anyhow. There are no class of Her Majesty's subjects treated more unconstitutionally or unjustly than the

shipmasters are in the Courts of the Wreck Commissioner for instance. Why does not the Board of Trade look into this? I see that the *British Merchant Service Journal* is doing this, and, if I may be permitted to say so, it deserves support in its efforts because they are in the direction of justice without trenching upon discipline."—*United Service Gazette*.

C O R R E S P O N D E N C E .

To the Editor of the "British Merchant Service Journal."

SIR,—Just before the Plimsoll scare, a cabbage-built vessel, four year's classed, a quarter of a century old, was condemned as a wreck, having broken her back and stern post by thumping on an open beach with a heavy cargo. She lay a fortnight in this condition, and was then sold as a wreck for one-fifth of her insured value to a foreigner. Her cracks were stuffed to make her floatable and to save pumping labour, and because she was afterwards sailed with larger pumps and lighter cargoes a landsman judge ruled that this showed her seaworthiness, and she ought never to have been condemned.

How the scene changes!

A four-score year old owner of a coaster lies in gaol because he cannot pay £500 to the Board of Trade for having sent his vessel on to a mud-bank to plug a hole to save foundering in dock, the said mud-bank being some fifteen feet above low water mark, but said by the judge to be "*at sea within the meaning of the Act.*" The dock authorities by right should have sent her there, as had she after being holed foundered in dock she would have stopped the traffic, and cost more to lift her than her value.

The Jury have petitioned the Home Secretary for his release without effect. The vessel has been seized and sold,

and the old gentleman is now held to ransom for eight times the sum his vessel fetched. After the trial she lay months in dock loaded, pumping only once a week.

Is this the improved Shipping Legislation? Who is safe?

Nearly half a century ago a case was carried through all the Courts where the owners of a cargo claimed its value from the shipowners. When the case reached the House of Lords they ruled against the shipowner, for said they, "*Had the main-sheet been reefed in time the ship would not have been lost.*" We have wonderfully improved since then,

SO THEY SAY.

To the Editor of the "British Merchant Service Journal."

SIR,—I read with much pleasure Captain Holt's letter in your June number. I do not withdraw any assertion I made with regard to the "station pointer"; and as I have put it to the test since sailing, and found it to answer well (it would answer much better if it were transparent), I still suggest that others should try it. However, my colleague has overshot the mark. I intended that "cheap and erroneous (?) novelty" for unskilful navigators, not for men who can work out all those pretty little problems he has so successfully done. I heartily wish more could do the same: as I remember an old example in my Eton Latin Grammar which runs "*ingenuas dedicessi fideliter artes,*" &c., and experience has shown me there is some truth in it. Men with such qualifications mean more gentlemen, and our service sadly stands in need of them; there is not much inducement now for a shipmaster, his means of earning his livelihood are easily taken from him, and the unskilful get paid as much as the skilful.

I agree with all Captain Holt says about the angles observed with a sextant; but still think it doubtful if a spoiled reflecting glass can easily be put right by 99 out of

every 100 who can use a sextant, and I sadly fear Euclid will not become a specialité at the Board of Trade before our grandchildren are ready to "pass."

I am, Sir, yours truly,

JOHN P. HOLDICH.

Board of Trade (Marine Department),
Whitehall Gardens, S.W.
9th June, 1881.

The Secretary, Shipmasters' Society,
60, Fenchurch Street, E.C.

WRECK INQUIRIES.

SIR,—I am directed by the Board of Trade to acknowledge the receipt of your letter of the 27th ultimo, asking whether it is proposed to return the certificate of the Master of the steamship *Rowland*, on the ground of an alleged irregularity in connection with the proceedings of the Court which inquired into the cause of the collision between that vessel and the *Mary*.

With reference thereto, I am to transmit herewith a printed copy of the report of the Court from which it appears that the Master of the steamship *Rowland* was defended by a competent solicitor, who would, it may be assumed, had any irregularity occurred during the hearing of the case, which, in his opinion, invalidated the proceedings, have brought the matter under the notice of the Court.

Nothing of the kind appears to have been done, and the Board see no reason for returning the Master's certificate on the grounds stated in your letter.

I am, Sir, your obedient servant,

THOMAS GRAY.

Shipmasters' Society, 60, Fenchurch Street, E.C.
28th June, 1881.

The Assistant-Secretary, Marine Department,
Board of Trade.

WRECK INQUIRIES, "MARY" AND "ROWLAND," S.S.

SIR,—I am directed to acknowledge your letter of the 9th instant, transmitting a printed copy of the report of the Court of Inquiry, *re Mary and Rowland*, s.s., stating that the Board of Trade see no reason for returning the Master of the s.s. *Rowland* his certificate on the grounds stated in my letter of the 27th May.

In reply, I am directed by my Committee to request that the Board of Trade will, in the interests of certificated Masters and Officers of the Mercantile Marine, cause inquiry to be made whether it be not a fact (though it is not so stated in the report) that the Solicitor for the Board of Trade did not comply with Rule 16 of the General Rules for Formal Investigations into Shipping Casualties (proceedings in Court), inasmuch as the Board of Trade did not state whether in their opinion the certificates should be dealt with.

Whether it be not a fact that after a short adjournment the defence for the Master was commenced, and that whilst it was proceeding counsel for the Board of Trade observed the omission and claimed the insertion.

That although the legal gentleman who appeared for the Master did object to this irregularity, the Court sanctioned the amendment and suspended the Master's certificate.

I have the honour to be, Sir,

Your obedient servant,

B. F. CRAMER, Secretary.

Shipmasters' Society, 60, Fenchurch Street, E.C.

28th June, 1881.

The Assistant-Secretary, Marine Department,
Board of Trade.

SIR,—I am directed to draw your attention to the following extract from the Board of Trade's letter dated 23rd September, 1880, addressed to myself:—"I am to request that you will inform your Committee that the Board of Trade are not responsible for, and have no control over, the decisions and reports of the Wreck Commissioner's Court."

I am further directed to request that you will inform me since what date the Board of Trade does exercise control over the decisions and reports of the Wreck Commissioner's Court.

That an alteration has been effected is evident from the fact that yesterday in the Appeal Court, counsel appeared on behalf of the Board of Trade to support the decision of the Wreck Commissioner in the case of the *Kestrel*, s.s.

I have the honour to be, &c.,

B. F. CRAMER, Secretary.

Board of Trade (Marine Department),

5th July, 1881.

The Secretary, Shipmasters' Society,
60, Fenchurch Street, E.C.

WRECK INQUIRIES.

SIR,—I am directed by the Board of Trade to acknowledge the receipt of your letter of the 28th ultimo, and to inform you, in reply, that the statement contained in the letter from this department of the 23rd September, 1880, was and is accurate.

Your letter has apparently been written under a misapprehension. In the recent case the Board of Trade

were served with notice as Respondents upon the Appeal. The Board of Trade have appeared in both Courts in the one case, to bring the question before the Court, in the other to support the decision; but they have no greater control over the judgment of the Wreck Commissioner, Stipendiary Magistrate, or Justices, or of the Court of Appeal, than the Appellant himself.

I am, Sir, your obedient servant,

T. H. FARRER.

Shipmasters' Society, 60, Fenchurch Street,
London, E.C., 4th July, 1881.

The Assistant-Secretary, Marine Department,
Board of Trade.

RE COURT OF INQUIRY S.S. "ENGADINE."

SIR,—I am directed by my Committee to forward, for the information of the Board of Trade, enclosed extracts * from the notes of a shorthand writer, who, on behalf of this Society, took down the evidence at the above-mentioned inquiry.

I am to draw your attention to the fact that the Wreck Commissioner gave an assurance that he would not find upon the fifth question, that having been objected to by the solicitor who appeared for the master, on the grounds that it was too general.

The second day the master was examined at great length, and the day following the judgment was given, when the Wreck Commissioner, contrary to his word, did find upon No. 5, the finding delivered in Court being different to that appearing in the annex to Report, No. 1,039.

My Committee feel confident that the Board of Trade will take this point into consideration, and they are led to hope

* For the substance of these extracts, *vide* p. 313.

that the certificate will be returned to Captain Pidgeon under the circumstances.

I am, Sir, your obedient servant,

B. F. CRAMER, Secretary.

Board of Trade (Marine Department),
13th July, 1881.
The Secretary, Shipmasters' Society.

WRECK INQUIRIES.

SIR,—I am directed by the Board of Trade to acknowledge the receipt of your letter of the 4th inst., calling attention to the conduct of the Inquiry held before the Wreck Commissioner in the case of the *Engadine* in connection with the finding on question five, which was submitted to the Court, and asking for the return of Captain Pidgeon's certificate as master which was suspended at this Inquiry.

In reply, I am to state for the information of your Committee that this Board disclaim all responsibility for the proceedings and judgments of the Wreck Inquiry Courts, and all right or responsibility to criticise them.

Your letter appears to the Board of Trade to show no ground which would justify them in interfering with the decision of the Wreck Commissioner in this case.

I am, Sir, your obedient servant,

T. H. FARRER.

WE would remind our friends that the Merchant Seaman (Payment of Wages and Rating) Act, 1880 [43 & 48 Vict., chap. 16], comes into force on and after the 1st day of August, 1881.—*Vide B. M. S. J.*, September, 1880, pages 418-480.

OFFICIAL INQUIRY, S.S. "ENGADINE."

WE have not spared expense or trouble in setting before our readers a sample of the judgments as actually delivered in the Wreck Commissioner's Court, and as corrected ere being submitted to the Board of Trade for publication.

"Ab uno disce omnes."

(No. 1039.)

"ENGADINE" (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

IN the matter of the formal Investigation held at Westminster on the 10th, 11th, and 13th of June, 1881, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captain CLARKE and Captain RONALDSON, as Assessors, into the circumstances attending the stranding of the steamship *Engadine*, of London, on the rocks inside Ushant, on the 27th of April last, whilst on a voyage from Nicolaieff to Antwerp.

Report of Court.

The Court, having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons annexed, that the stranding of the said vessel *Engadine* was due to the negligent navigation thereof by Alonzo Pidgeon, the master, (1) in having, although uncertain of his position, and after he had run a distance calculated to bring him within range of the Ushant Lights, still continued his course, going full speed, the weather at the time being misty with small rain; (2) in having, when he failed to see the Ushant Lights, neglected to ascertain his true position by a cast of the lead.

For these wrongful acts and defaults, the Court suspends the certificate of the said Alonzo Pidgeon for three months. The Court was not asked to make any order as to costs. Dated this 13th day of June, 1881.

(Signed) H. C. ROTHERY,
Wreck Commissioner.

We concur in the above report.

(Signed) A. RONALDSON, } Assessors.
R. F. CLARKE, }

*Annex to the Report.**

This case was heard at Westminster, on the 10th, 11th, and 13th of June instant, when Mr. Snagge appeared for the Board of Trade, and Mr. Nelson for the master of the *Engadine*. Seven witnesses having been produced by the Board of Trade, and examined, Mr. Snagge handed in a statement of the questions on which the Board of Trade desired the opinion of the Court. Mr. Nelson having produced the master of the *Engadine* and another witness, was then heard on behalf of the master, and Mr. Snagge having replied for the Board of Trade, the Court proceeded to give judgment on the questions on which its opinion had been asked.

Before I proceed to deal with the facts of this case, it ~~may~~ *will* be necessary to advert to a circumstance *on which there has been a good deal of discussion, and* which has tended somewhat to ~~prolong~~ *lengthen* these proceedings. It appears that the captain, on his arrival at Brest, ~~went before~~ *had presented himself before* the British Consul, ~~for the purpose of making a who requested him to enter in his official log-book a full statement of the facts.~~ *He did not, but did not call upon him to make any deposition, but was desired by the British Consul to enter*

* The words in ~~erased type~~ formed portions of the oral judgment, those in *italics* appear for the first time in the corrected ? and published judgment.

the statement of facts in his official log-book. On his arrival, however, in London, the captain went to master attended at the office of a Mr. Stockton, who is the Receiver of Wreck for the port of London, and afterwards upon a Mr. Watson, an officer of the Board of Trade, on Tower Hill, and asked them whether he should they wished him to make a statement; but upon having informed his informing them that he had already made a statement before the British Consul at Brest, they told him that they did should not want it him, probably understanding him to mean that he had already made a deposition. On the day after he had seen seeing Mr. Watson, he learnt heard that there was going to be an inquiry in into the case; and it would seem that subsequently to his having received information that an inquiry would be held he was summoned by Mr. Watson to attend the Board of Trade; when he at once placed the matter in Mr. Nelson's hands, and on subsequently being requested by Mr. Watson to attend before him to make a deposition upon this, he, by the advice of his solicitor, Mr. Nelson, he declined to attend before Mr. Watson to do so, the ground taken alleged being that he had already made a deposition before the Consul at Brest; which this was however, not strictly accurate. The solicitor to the Board of Trade thereupon wrote a letter to Mr. Nelson, requesting that Captain Pidgeon might be directed to attend before him, in order that he might take a statement from him "for the purposes of preparing his brief for to counsel." The expression was certainly perhaps not a very happy one, and but Mr. Nelson declined to allow him the master to attend for that purpose, and there the matter seems to have dropped ended. The result, however, was has been that the master was not, as is usual in these cases, produced by the Board of Trade as a witness, and it was not until after the questions had been given in, that was not produced as is usual in these cases, to give his statement of the facts of the case, but was not called until after all the witnesses had been

he was produced by Mr. Nelson as a witness to give his account of the circumstances.

examined by the Board of Trade and until the questions had been formulated. He was then put into the box by Mr. Nelson for the purpose of giving his evidence in the case.

And although I must say that except in some few particulars the Court is disposed to agree with Mr. Snagge that the master has, on the whole, given his evidence in a straightforward way, the Court however does it cannot but regret that he had not an the opportunity of stating giving in the first instance, his own view of the circumstances case, as it would certainly not only have lessened the time these proceedings have taken, but would also probably have put the captain in a somewhat better position as he is, obviously, the only person who can give a full explanation of the circumstances which led him to take the course he did; and it might, in some cases, although I cannot say that it has done so in this case, place him in a disadvantageous position. With these preliminary observations, I will now proceed to deal with the facts of the case.

The "Engadine" it seems, is an iron screw steamship, belonging to the port of London, of the burthen of 1,258 tons gross, and 802 tons net register, and she is fitted with engines of 130 horse power. She was nearly a new vessel, having been built at Jarrow in the year 1880, and was consequently a perfectly new ship or nearly so, and at the time of the casualty, which forms the subject of the present inquiry, she was the property of Messrs. Mr. John and Edward Wilson, of Langley Cottage, in the county of Kent, the Laurels, Blessington Road, Lee, and of a number of other persons. She seems appears to have been be a very good ship, being classed 100 A1 at Lloyd's, and to have been well fitted in every respect. She left Nicolaief, in the Black Sea, on the 11th April last, with a full cargo of barley, consisting of about 1,400 tons, and a crew of 22 hands all told, and drawing 15 feet 8 forward,

and about 16 feet aft. At 4 a.m. on the 26th she was off Cape Finisterre, and at 6.20 a.m. she ~~was abreast of~~ passed Cape Camarinas, ~~when whereupon~~ the patent log was set, and the vessel was ~~then~~ put upon a N.E. course by the standard compass. At noon ~~of the same day~~ the course was altered to N.E. by N. by the standard compass, the wind ~~then~~ blowing a moderate breeze from N.W., with a N.W. swell. On the following morning the breeze freshened, but the vessel ~~was kept continued~~ on the same course, steering N.E. by N. ~~by the standard compass~~, until noon of the 27th, when an observation was obtained, ~~and which placed the vessel put her~~ in latitude $47^{\circ} 14'$ N. and longitude $6^{\circ} 17'$ W., ~~which agreed very nearly with the computations of the master by dead reckoning, those computations showing,~~ His dead reckoning, however, the master told us gave $47^{\circ} 18'$ N. and $6^{\circ} 19'$ W., and finding, therefore, that she had got a little further to the E. than he had computed, thereupon the vessel ~~was~~ he put her half-a-point more to the N., ~~or that is to say on a~~ N.E. by N. $\frac{1}{4}$ N. course by the standard compass. Soon afterwards ~~In the afternoon~~ the wind increased, with a heavy sea from the same quarter, namely, N.W.; and at 3.45 they ~~took in~~ had to take in the fore-topsail and jib, and to hauled down the head of the main-trysail, the weather at the time being misty with accasional showers the wind still from the N.W. with a swell from the same direction; and at 6 p.m. they ~~took in~~ the main-trysail was taken in, and the main-staysail hauled down. At this time the chief officer came on deck ~~to relieve the~~ ~~and~~ officer, and ~~we are told that~~ from that time until she struck he and the captain remained on the bridge. At 8 p.m. the wind began to moderate, ~~they and~~ having hauled in the patent log, ~~and they found that they had run 355 miles.~~ The mate then, by the master's orders, went aloft to see if ~~they could see anything of~~ Ushant Lights were in sight, but ~~not seeing anything they were not visible,~~ and the vessel was continued on the same course, N.E. by N. $\frac{1}{4}$ N. by the standard compass, ~~all the time still~~

going full speed. At about 9.45 p.m. ~~we are told that~~, a light was ~~reported observed by the look-out man~~ on the starboard-bow; according to the master and the chief mate ~~it the~~ light seen was a red light, ~~but afterwards we are told that they~~ lost sight of the red light and then the vessel was brought back to her former course; according to the look-out man, Olsen, and another of the deck hands named Swanson it was a white light. The master immediately gave the order to starboard; ~~according to Swanson the order was to hard-a-starboard,~~ and the master would not swear that that was not the order. ~~Be this, however, as it may, and~~ the vessel went off to N.W., and according to both the master and the mate, she was kept on that course for half an hour; ~~according to the master she was kept N.W. for quarter of an hour, a quarter to half-an-hour, and until the red light had been lost sight of, when she was again put upon her course N.E. by N. $\frac{1}{4}$ N. by the standard compass.~~ Immediately afterwards, ~~we are told~~ the patent log was hauled in and showed 377 miles ~~had to have been run, and if the Master is to be believed it was then that the mate was then sent up a second time to look out for the Ushant Lights, and came down and but reported that he could see nothing.~~ The vessel ~~then nevertheless~~ continued her course, still going full speed, ~~no lights in sight the weather being misty with occasional showers of rain, and the wind and sea from the N.W., until about five minutes before 11 o'clock,~~ when rocks were suddenly observed on the port-bow, upon which the captain immediately ordered the engines to be stopped and reversed full speed. ~~But finding, however, that the vessel did not stop, bring up and the tide was rising and finding also that there was deeper water a-head, he then ordered the engines vessel to be put on full speed a-head, and cleared the rocks and then brought her to anchor went clear, when she was brought up in 15 fathoms of water.~~ At this time the log ~~we are told~~ showed 387 miles to have been run. On sounding the bell they found ~~that there were~~ from 7 to 8 feet of water

in the fore hold, and ~~that~~ the main and after tanks ~~were~~ full. The boats were ~~immediately~~ *accordingly* ordered out, and the captain finding, to use his own words, that the crew were "disorganised and useless," ordered them into the boats, directing the first and second officers to take charge of them, and leaving one boat for *he* himself and the two engineers ~~who alone~~ remained on board. At about 1 o'clock the weather cleared up, and they then ~~when they~~ observed both lights of the Ushants the Lights, as well as those of Le Four and Le Conquet, and they then ~~discovered~~ *ascertained* that they ~~were ashore not very far from~~ *had struck on the rocks a little to the westward of the Island of Molène, and between it and Ushant.* Shortly afterwards a fishing boat came alongside and at 4 a.m. a pilot boat came alongside upon which the anchor was raised, and they proceeded *in charge of a pilot to towards* Brest, where they arrived about 8.30 the same morning. There the vessel was beached, and *having been temporarily repaired, and she left again on the 21st of May she left Brest and arrived in London on the 23rd.* Such are the facts of the case.

Now the first question upon which our opinion has been asked is, "Whether a safe and proper course was set and steered from Cape Camarinas to the position of the ship at noon of the 27th of April; and whether safe and proper courses were set and steered, ~~at and after noon~~ in the afternoon of that day; that is the 27th I suppose it means and "whether due and proper allowance was made for tide and current?" Now The course steered as I have stated from 6.20 a.m., *when they were off Cape Camarinas, until noon of that day or for rather more than 5½ hours the 26th was N.E. by the standard compass; from noon of the 26th to noon of the 27th, N.E. by N. by the standard compass; and from noon of the 27th, N.E. by N. ½ N. It must be remembered We were told, however, that according to the evidence of the captain and the deviation card that has been produced by the*

master, and his evidence was confirmed by the deviation card, that on these courses the standard compass had an easterly deviation of half a point, so that the courses actually steered were N.E. $\frac{1}{2}$ E., N.E. $\frac{1}{2}$ N., and N.E. by N. magnetic. Now, Captain Jinman, a witness was produced on behalf of by the master, and he is a gentleman of considerable who appears to have a good deal of knowledge on these points, and who has recently had a good deal of experience of the tides and currents in the neighbourhood of off Ushant, he was asked by Mr. Nelson whether N.E. by N. $\frac{1}{2}$ N. course from Cape Camarinas would be a proper course, and he said that in his opinion it would be having regard to the tides and currents in the neighbourhood as it and that it would give Ushant a wide berth. It will be observed, however, but unfortunately that this was not the course steered by the master, and on Captain Jinman being subsequently asked whether the courses actually steered, namely, first N.E. $\frac{1}{2}$ E., then N.E. $\frac{1}{2}$ N., and lastly, N.E. by N. magnetic, were or were not proper courses, he said that in his opinion it was cutting it rather fine. And that that is so, is, I think, it is perfectly clear from the evidence in this case that Captain Jinman's opinion is quite correct and that it was cutting it rather fine apparent from two or three facts which have come out in the course of this inquiry. And first we were told by Captain Jinman that the bearing of Ushant bears from Cape Camarinas is N.E. $\frac{1}{2}$ E. magnetic, distant 363 miles; in steering, therefore, for the first six hours N.E. $\frac{1}{2}$ E., the captain he was steering inside to the eastward of his proper course. Again, we were told that from noon of the 26th to noon of the 27th the course steered was N.E. $\frac{1}{2}$ N. magnetic, but assuming the position of the vessel to have been correctly ascer-

The next course he steered was N.E. $\frac{1}{2}$ N., which no doubt would, if he had made it good, have taken him outside of Ushant, but we find as a matter of fact, from the courses which the master has laid down, that instead of

tained by observation at noon of the 27th, the master stated that the course made good during those 24 hours must have been N.E. easterly, or, in other words, that he was being set either by the north-westerly wind and sea, or by the current, more than half a point to the eastward of his course.

Again from noon of the 27th he sets a course which he assumes will take him some 15 miles to the west of Ushant; seeing, however, that they were then approaching the Saints, between which and Ushant the tides and currents are well known to be extremely variable in their force and direction, it may well be doubted whether the master was not endeavouring to cut it too fine.

making from noon to the 26th to noon of the 27th a N.E. $\frac{1}{2}$ N. course, the course which he actually made was N.E. Easterly, assuming that the observation that he got on the 27th was a correct observation. In other words, he found that he was being set more than half a point—approaching a point—to the eastward of his course. It is clear, therefore, that Captain Jinman's statement is correct, that in steering the courses he did he was cutting it rather fine. Captain Jinman was also asked whether, assuming that the result was, as I have stated in $47^{\circ} 14'$ N. and $6^{\circ} 17'$ W. (I think I am right), whether or not a N.E. by N. $\frac{1}{2}$ N. course would be a correct course, and he said, "yes, it would take her well clear," but on being asked whether or not a N.E. by N. course would be a right course, he said that also would be cutting it rather fine.

Now there can be no reason why if a master is quite sure of his position—why he should not pass within fifteen or even within seven miles of. Not that a master would not be justified in approaching within fifteen miles of and, indeed, much nearer to Ushant, provided always that he is was quite certain

of his position. The fault is in steering a course, which, to say the least of it, is a fine course, and continuing that course after he gets within the range of Ushant. There was no blame whatever to the master for steering a fine course providing he brings his ship up when he gets within the range of Ushant. His fault was in continuing that course after he had run his distance, and when he was quite ignorant of his true position. Whilst, therefore, then, we are not prepared to say that the courses steered in themselves were altogether either unsafe or improper, we are prepared to say that they are improper they became both unsafe and improper when they were courses in the event of their being continued after the vessel had got run the distance required to bring her within the range of Ushant Lights, the weather at the time being so misty that those lights could not be seen.

The next question which we are asked is, "Whether the position of the vessel at noon on the 27th of April was such as to put the master, on ascertaining it, on his guard against unusual dangers?" At noon of the 27th, he was the master found himself, as he says, in latitude $47^{\circ} 14'$ north, and longitude $6^{\circ} 17'$ west, according to his observation. Now we can hardly say that there was anything in the position of the vessel which ought to have put the master on his guard against any unusual danger except this that it showed him that he had drifted from half a point to $\frac{1}{4}$ of a point further to the east of his course than he expected, and therefore he must naturally have expected that there was an indraught into the Bay of Biscay against which it was necessary he should guard. So far as to the position of the vessel at noon of the 27th it was not a position of danger, because there could have been no difficulty in so laying a course from that as to have passed safely round Ushant, but as I understand the question, it is whether or not the position of the ship was such as to lead the master to suppose that there might be danger of an indraught into the Bay of Biscay, and in that opinion we

~~concur~~, and as he had for the previous twenty-four hours been steering a N.E. $\frac{1}{4}$ N. course magnetic it showed him, he tells us, that he must have made a N.E. easterly course, or, in other words, that he had been set during that time more than half a point to the eastward of his course. This no doubt was a thing to be guarded against, more especially as he was approaching the Saints and Ushant; but beyond that he could hardly be said to have got in a position of any unusual danger, for by keeping the vessel a little more to the northward he could easily have gone clear of Ushant.

The third question which we are asked is, "Whether the master was justified in assuming that the light reported at about 10 p.m. on that day was a ship's light, and whether proper measures were then taken to ensure the safety of the vessel, especially having regard to the currents and dangers in the vicinity of Ushant, and between Ushant and the Saints?" Now as I have stated according to the look-out ~~men and the man who went to the wheel the two men, Olsen and Swanson, say that the light which they saw on the starboard-bow was a white light, according to whereas both the master and the mate say that the light which they saw it was a red light; and their evidence is supported by that of the engineer who said stated that what he saw when he came he happened to come out of the engine-room and saw was a red light on the starboard-beam. At first sight there would seem to be a direct conflict of evidence between the witnesses on this point, but we are disposed to think as suggested by agree with Mr. Snagge in thinking that it is quite possible that all these both parties may have been quite right, and that the two men may have seen a white light while the others saw a red one spoken the truth.~~

On looking at page 18 of the "Sailing Directions for the West Coast of France, Spain, and Portugal," under the heading of "Lights" we find the following remarks: "St. From the position in which the vessel was at the time it is quite possible that both the lights of St. Mathieu and Pierres Noires may have been seen.

Mathieu. On St. Mathieu Point is a round tower, exhibiting at 177 feet above high water a white light which revolves every half minute. The light is visible from a distance of 18 miles; the eclipses do not appear total within 8 miles." "Les Pierres Noires. On the largest of Les Pierres Noires or Black Rocks is a stone tower, which exhibits at 90 feet above high water a red flashing light, showing a flash and an eclipse alternately, with an interval of ten seconds duration, visible in clear weather at a distance of 12 miles." And looking at the position in which the vessel probably was at about 9.45 p.m. of the 27th when the light was reported, it is clear that the vessel would have had both the St. Mathieu and Les Pierres Noires Lights some points on her starboard bow; and although St. Mathieu Light would, it is true, be some five or six miles further from the ship than the light of Les Pierres Noires, it is a much higher and more

Now St. Mathieu light, according to the account given of it in the Sailing Directions of the West Coast of France, Spain, and Portugal, is thus described: "It stands on a tower 177 ft. above high water, and is a white light which revolves every half minute, and is visible at a distance of 18 miles." On the other hand, "the light of the Pierres Noires is a red flashing light, showing a flash and an eclipse alternately, with an interval of ten seconds duration, and it is visible in clear weather for a distance of twelve miles."

Now it is obvious that the light of St. Mathieu is a much stronger light than that of the Pierres Noires, and although it may have been at a distance of five or six miles further from the ship than the Pierres Noires, it is quite possible that it might have been seen by the mate; at the same time that the red light, which had previously attracted the attention of the master and mate, might not have been visible

powerful light, and it is quite possible that on such a night the former might have been seen by the men, whilst the red light, which might have caught the eyes of the master and mate first, might only have been seen by them. What, however, we are asked is, whether the master was justified in assuming that the light which he saw was the light of a sailing ship. According to the master it bore from them E.N.E., or about three and a half points on the starboard-bow, and both he and the mate say that they concluded it to be the light of a sailing vessel close hauled on the port tack, and going about the same course as themselves, the wind being, we are told, about N.W. Seeing, however, that the side-lights of vessels show for only two points abaft the beam, the lights being screened off for the remaining six points, it is obvious that the red light of a sailing vessel, three and a-half points on their starboard-bow, and heading

to them. But then we are asked whether the master was justified in assuming that this light was the light of a sailing vessel. According to the master the light bore E.N.E. three and a half points on the starboard-bow, and he said—and so did the mate—that they thought it was the light of a sailing vessel close-hauled on the port tack, and going the same course as themselves.

Now we are told that the wind was about N.W. and consequently if the vessel had been close-hauled her course would have been about N.N.E. Had that been so it is utterly impossible that the red light could have been visible to those on board the "Engadine," because the red light is shut in for six points abaft the beam, is only visible two points abaft the beam and it is perfectly clear therefore that assuming the sailing vessel to have been close-hauled on the port tack 3½ points on the starboard-beam of the "Engadine," a red light could not possibly have been

the same way as themselves seen by those on board the (and that with the wind as "Engadine." it was she could hardly have come much higher), could not have been seen by those on board the *Engadine*.

The master, therefore, was not justified in concluding supposing that it was the light of a sailing vessel. The more so, as if he had looked at his chart at the time he would have seen that there was a red light on Pierres Noires, and that ought to have excited his suspicion. The Assessors also think that even assuming that it was the light of a sailing vessel they are utterly are somewhat at a loss to conceive what could have induced understand why, if the master believed it to have been the lights of a sailing vessel, he altered his course more than six points from N.E. by N. $\frac{1}{2}$ N. to N.W., right into the teeth of the wind, seeing that with the wind where it was, namely, N.W., it would have been quite impossible for the vessel to have got near them; and that he should have why he continued on that course for a quarter to or half-an-hour is to them utterly unintelligible. In their opinion it was not a seamanlike act to have put the vessel off on a N.W. course. What it was that induced the master to do so unseamanlike an act it is impossible for us to say; if he thought that it was the light of a sailing vessel it was quite unnecessary for him to go so far out of his course, as she could not get foul of him; on the other hand if of course it is impossible for us to say what was passing in the captain's mind whether he had some any suspicion that it might have been a shore light, or whether he believed it was a sailing vessel, was the lights of Les Pierres Noires, it is obvious that instead of keeping on a N.W. course for only a quarter to half an hour, he would have stood right away to the westward until he had got well clear of Ushant. But whatever opinion he may have formed on this point, it was, in the opinion of the Assessors, an unseamanlike act on his

part to have put the vessel off to the N.W., and to have continued on that course for a quarter of an hour or twenty minutes. *Be this, however, as it may*, the master was, in our opinion, not justified in ~~assuming supposing~~ that the red light which he saw was the light of a sailing vessel.

The fourth question which we are asked is, "Whether the total neglect of the lead was justifiable?" ~~In our opinion, nothing can be more unjustifiable than the conduct of the master in neglecting the lead on this occasion.~~ At page 7 of the Sailing Directions, to which I have already referred, will be found the following remarks: "The homeward passage from Gibraltar for steam vessels is the reverse of the outward passage, but on entering the English Channel much caution is requisite in rounding Ushant. That island is surrounded by dangers in all directions, there are numerous rocks, the channels are intricate, the tides rapid, fogs and thick weather not uncommon, and, as might be expected, wrecks are frequent. ~~Unless bound for the island.~~ No vessel should approach within five miles, or, if the weather be thick, come into less than seventy fathoms water until the ~~tower~~ parallel of the island be passed." Then there is a special caution: "In approaching Ushant during thick weather it is absolutely necessary to keep the lead going." ~~Either the weather was thick, as Mr. Snagge has contended, or it was not. If the weather was thick, the master had no right whatever to have continued his course as he did, without knowing his exact position for he had not seen any of these lights, and therefore, could not know his exact position. Now at 8 p.m. the master knew all that he did know was that at 8 p.m. he had already run 335 miles, and therefore ought to have been that he had got within the range of Ushant Lights, and not seeing the light that he ought to have concluded either he was out of his course, or that seen them, unless, indeed, the weather was too thick for him to do so. He could have no knowledge of his true position,~~

and under these circumstances it was his bounden duty to have taken a cast of the lead, which would have shown him at once whether he was or was not inside of Ushant. For a long time before he struck the rock the vessel must, on the course on which she was, have been within the fifty fathoms soundings, which would have been a certain proof to him that he was not on his proper course. It is was said, indeed, by Mr. Nelson that on board a vessel of this kind, with one officer and three hands, it is very difficult to take, there was some difficulty in taking a cast of the deep sea lead, more especially the deep sea, the watch consisting of only one officer and three hands, of whom one must necessarily be at the wheel, and another on the look-out, leaving only one man and the officer of the watch, whose duties require him to attend to the navigation of the vessel, available for taking a cast of the lead. That is no doubt so; and a master, therefore, could hardly be expected to heave the ship to for the purpose of taking a cast of the lead, unless indeed the necessity was urgent; but in this case it was urgent, and the master had to choose between taking a cast of the lead, or bringing the ship to, and lying there until he had ascertained his true position. Moreover but it must be remembered that at 8 o'clock both watches would have been on deck, and then there could would therefore then have been no difficulty in taking a cast of the lead. Had this been done no doubt this gentleman would have seen that he was continuing out of his course and it would have warned him against continuing to go as he did go at full speed at 8 p.m., or certainly at 10 p.m., when he sent the mate the second time aloft to look out for Ushant Lights, and when his patent log showed 377 miles run from Cape Camarinas, it would have shown him that he had got into shallow water, and that he was consequently out of his course. In our opinion there is nothing to justify the master for not having taken a cast of the lead.

The fifth question which we are asked is, "Whether the vessel was navigated with proper and seamanlike care and skill." In our opinion she was not. navigated with We

think that the master has shown a want of proper and seamanlike care and skill, first, in running on too fine a course and in continuing the vessel on that her course after he must have been well aware that she he had got within range of the Ushant Lights, without knowing his true position and without taking any steps whatever to ascertain it; secondly, in running away on a N.W. course half an hour or a quarter of an hour simply for the purpose of avoiding a vessel which could not possibly have come near her, in altering the vessel's course some six points or more to avoid a vessel supposed to be some three and a half points on his starboard bow, and which he assumed to be going the same course as himself, the wind being from the north-west; and, thirdly, in not taking having taken any cast of the lead.

The sixth question which we are asked is, "What was the cause of the stranding of the vessel?" It is extremely difficult for us to say what may have been the cause of the stranding of this vessel. It is quite possible that there may have been as Captain Jirman said an exceptionally strong current.

* The master in making his statement before the British Consul at Brest, the master attributed the casualty to some error in his compasses; but that, I think, cannot be maintained at the present time. He has abandoned that, and he now attributes it to an exceptional abnormal current setting in to the eastward. We think that, although possibly an abnormal current might have set into the eastward, it was his duty when he found himself within the range of the Ushant light, having run his distance so as to bring him within the range of Ushant light, to have stopped his vessel, and, if necessary, to have called up hands to take a cast of the lead, and if he had done so for a considerable time, I will not say for exactly how long before he took the ground, he would have found himself within the line

* The following was given in the oral judgment in reply to the seventh question, in the published judgment it appears under the sixth question in a different form.

of fifty fathoms, and would have known at once that he was in imminent danger; but in the course of the inquiry he admitted that he had had many opportunities during the voyage of testing the compasses, and that he had availed himself of those opportunities, and that up to the time of his departure from Cape Camarinas he had found no error in them. He has consequently now taken up another ground, and attributes the stranding of the vessel to an abnormal current, due, as Captain Finman thinks, to a great depression then prevailing off the west coast of Ireland, setting him in a S.E. direction. And in support of this theory he tells us that, whilst they were at anchor, after coming off the rocks, he observed a very strong current setting past the ship to the east. That there may have been an abnormal current, such as Captain Finman referred to, is no doubt quite possible but that is a thing which all mariners in approaching Ushant ought to fear, and against which they ought to take the greatest care to ascertain their true position; and it is owing to the fact that such currents do occasionally prevail in the neighbourhood of Ushant, that masters are warned to be especially careful in passing it. But apart from any such abnormal current, it may be well to see whether the facts proved in the present case are not sufficient to account for the stranding of the vessel. In a note on page 9 of the Channel Pilot, Part I., it is said that "between Ushant and the Saints the flood tide sets to the eastward, and the ebb to the westward;" and that it runs at springs at the rate of from 3 to 4 knots an hour. Now we are told that it was high-water that night off Ushant at about 1 o'clock; when therefore, the vessel took the ground at 11 struck, therefore, it was something like four hours before she had within two hours of high water, and she must consequently have had the flood tide for about the four preceding hours setting her to the eastward. The master ought to have known this, he knew also that they were spring tides, and it was his duty knowing that he had overrun his distance, to have stopped his vessel until he had ascertained his true position.

Mr. Nelson has said that for the last hour, assuming that there was no abnormal current, he would have gone 15 miles over the ground, and for the hour before that, 12 miles over the ground. That was a fact which must have been known to the master if it is the case, and he ought therefore to have exercised still greater care and precaution. It does not excuse him for continuing to go at full speed as he did without taking a cast of the lead, and as the tides were at their highest, it being new moon on the 28th, they would be running at some four knots an hour. We were also told by Captain Finman that the course steered, even assuming the position of the vessel to have been correctly ascertained at noon of the 27th, was rather fine to pass Ushant, considering the variable character of the currents in the neighbourhood. With the flood tide then setting her at the rate of some four knots an hour to the eastward, and at the same time with a strong N.W. wind and sea on her port-bow, it is easy to understand how the vessel might have been set to the eastward of Ushant. And yet the master thinks proper to continue his course at full speed, even after the patent log had shown him that he had overrun his distance although in ignorance of the true position of the vessel, the atmosphere being so hazy that they were not able to see the lights; and the consequence is that she runs on the rocks to the eastward of Ushant.

The seventh question which we are asked is "Whether the master and officers are, or either of them is, in default?" Now the master admits and his counsel has *It is admitted also on his part that if there is any blame attaching for this casualty attaches to anyone, it attaches is to the master, who was on deck, and had who was solely responsible for the navigation of the vessel entirely under his control.* That the master should, after having run his distance, have continued a course, well knowing, as he should have done, that the wind, the sea, and the tide would all be setting him to the eastward, and with the weather so hazy as to prevent his seeing*

* The paragraph which has been inserted in the printed judgment issued by the Board of Trade, under question six, should follow here. See note, p. 368.

the lights, without taking a cast of the lead, which would have shown him his true position, appears to us to be unpardonable.

And although he has received a high certificate from his owners, and the Board of Trade have asked us to be lenient in dealing with his certificate, we think that it is a case in which we cannot allow him to go altogether unpunished. We are not disposed to blame a master for steering a course to pass near to Ushant, as it is a good point of departure for a vessel bound up Channel; but what we do blame the master for in this case, is for continuing his course with the weather so thick that he was not able to see the lights, and when a cast of the lead would at once have shown him that he was out of his proper position. Under all the circumstances of the case, and bearing in mind the recommendation by the Board of Trade in his favour, we shall suspend his certificate for only three months. This, however, must not be taken as a guide to the Court in any future cases that may come before it,

The learned counsel for the Board of Trade has asked us to deal with this gentleman's certificate, but at the same time to temper justice with mercy, and that we are disposed to do. The captain has produced a certificate from his owners speaking highly of his conduct, and we cannot forget that after the casualty, the master, as we generally find in these cases behaved admirably, but at the same time the Assessors are of opinion that this is a case in which we cannot allow this gentleman to go unpunished. We cannot hold out to captains of vessels that they are at liberty when they have overrun their course to continue going full speed a-head in weather undoubtedly misty, and when they are approaching a most dangerous place where they are liable to be set to the one side or the other.

Taking all the circumstances of the case into consideration we shall only suspend this gentleman's cer-

seeing the frequent wrecks that occur in the neighbourhood of Ushant, and the necessity for the exercise of the utmost caution in approaching it.

tificate for three months, but at the same time the Assessors desire me to say that this will not be a guide for the Court in future should any similar case come before us again.

(To Mr. Snagg) You do not ask for costs I suppose. We should not be disposed to give you any if you were to do so.

The Court was not asked to make any order as to costs.

(Signed) H. C. ROTHERY,

Wreck Commissioner.

We concur.

(Signed) A. RONALDSON, }
R. F. CLARKE, } Assessors.

THE following extracts from the transcript of remarks in the case of the *Engadine*, s.s., exemplify the spirit in which the so-called Courts of Inquiry are conducted:—

Mr. SNAGGE (Counsel for the Board of Trade): The object of these inquiries is merely to elicit the facts.

The WRECK COMMISSIONER: If there is no charge against the Master, who is it that is supposed to be responsible for the loss of this vessel?

Mr. SNAGGE: The charges are not yet formulated and laid before the Court; they are not yet before the Court.

The WRECK COMMISSIONER: On what ground is it that I am to call for the production of a paper written by a gentleman who was not present at the casualty, who apparently is not a nautical man, who is a mere Consul.

THE
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THE SHIPMASTERS' SOCIETY AND THE
WELFARE OF THE MERCANTILE MARINE.

(Paper read by the Secretary before the Members of the Shipmasters' Society, 28th July. CAPTAIN FAITHFULL in the Chair.)

MANY gentlemen have expressed the opinion that a pamphlet should be issued showing the work already done by the Society, and setting forth the course pursued by the Committee for the benefit of the members, and for the welfare of the Mercantile Marine.

I will attempt from the Secretary's point of view to mention the matters that should be treated upon in such a work, and then I will draw your attention to such points as appear to require the utmost vigilance, and the combined efforts of all who are interested in the well-being of masters and officers holding certificates from the Board of Trade.

I will first briefly mention the impression made on my mind by an examination of the duties of the office I have the honour to hold. I was *in the like position* of many members of your profession quite unaware of the objects of the Society, and of its aims, and my first aim was to make myself thoroughly acquainted with the rules. I soon became aware of the existence of a state of things that was to me perfectly incredible, and I could not for some time persuade my acquaintances that such monstrous injustice could be borne in patience by

those who suffered, or could be sanctioned by those in authority or carried out in the name of the law by Englishmen.

I learned that there are in this country, courts of so-called justice wherein under the form of an impartial inquiry, professedly conducted in an unbiased manner, men are forced by a department of the Government to appear in Court, nominally as witnesses, but actually as men under trial, and though they may eventually be punished upon the evidence they give against themselves, they are compelled on oath to answer every question that can be put to them, and although they may thereby criminate themselves they are not permitted to plead the fact as a justification for refusing to answer. I found this very difficult to realize, but it is too true ; on all sides one hears of the rights of Englishmen, and of trial by jury, but privileges and advantages accorded to crime-stained men, are rigidly withheld from those to whom this country is indebted for her greatness, when they, in the execution of their oft-times perilous duties, have the misfortune to meet with an accident, and are called upon to give an account of the circumstances because, in the opinion of an irresponsible clerk, there seems some reason why they should be punished at the public expense.

This injustice was strongly condemned by all who had any knowledge of maritime affairs. Owners and others not connected with shipping held to the opinion that the proceedings of Courts of Inquiry will, while based on such injustice, ever fail to meet with respect or merit confidence, while in the eyes of nautical men the proceedings are regarded as ridiculous and but little removed from farces. The masters and officers who not only suffer this wrong but who are often treated in a most offensive and improper manner, do obtain the fullest sympathy of all right-minded men, but this miserable state of affairs is not known to the general public, and the members of the Mercantile Marine have suffered on in the hope that justice will some day be done to them.

The obstacles seemed great, and to obtain the assistance of the press appeared almost hopeless, but there was the prospect held out of eventual success, for upon my first official visits the following remark was generally made to me :

“ You have a good work before you ; look after the ship-masters’ interest, they stand in great need of such a “ Society.”

The frequency of this remark was sufficient to convince me that the Society could not fail to be of immense value to the Mercantile Marine, and that as the executive was composed of gentlemen who were disinterested in the work, it could not but meet with respect.

Nevertheless, it was soon apparent that there would be considerable difficulty in overcoming the prejudice existing in the service, owing to the want of union among the members thereof, for whilst interviewing many visitors I was much struck by the objections offered and the reasons given for *not* joining. The most usual was,—“ I have never been in a Court of Inquiry, and don’t mean to, therefore I shall not require the assistance of the Society ; and even supposing I do get run into, I can pay a solicitor. What use can the Association be to me ? ”

Those gentlemen who have been fortunate in their career, and who confidently rely upon their never requiring the legal aid of the Society, will ever retain our best wishes for their prosperity ; but there is one way in which even they are directly concerned in the Society. It is in the event of proposed alteration of law or the introduction of new measures affecting merchant shipping.

In such cases the Society supplies what has so long been needed. The service, by its representatives, can point out where legislation would prove unduly severe, and can indicate what measures would act in a beneficial manner.

There can scarcely be a master or officer who is not aware that in 1878 a Bill was introduced into Parliament which, in

addition to the proposal to extend "The Employers and Workman's Act" to sailors, sought to "Enact that it should "be the duty of every master of a ship to provide for a proper "look-out being duly placed, kept, and relieved, and that "every master who should make default in performance of "this duty should be imprisoned for three months with or "without hard labour, and, in the discretion of the Court, "be in addition liable to a fine of £50, and to have his "certificate cancelled."

Such was the proposed legislation. Had it been enacted the master of a ship would have been placed wholly at the mercy of a dissatisfied crew, and discipline already so difficult to maintain would have been seriously affected.

This Bill was referred to a Select Committee, and the proceedings throughout were closely watched. Evidence was given by the Society, and after a very numerous attended public meeting, a petition was presented to the House of Commons setting forth the objections of the Service to the Bill, which was shortly afterwards withdrawn.

On every occasion that legislation for shipping is introduced, the measures are carefully examined, and whatever line of action seems best for the interest of the masters and officers is promptly taken, and thereby much that might act in an unduly harsh manner is averted.

The representations made by the Society during the first years of its existence were treated with some distrust, but by the manner in which everything has been carried on it may now be said that the reputation of the Association is thoroughly established, and that its representations do receive the consideration to which they are entitled.

For such of its members as desire to avail themselves of the advantages, the Society provides reading, writing, and smoking rooms; and for the benefit of those who are seeking appointments a register is kept by which agency the ship-owners can and do select both masters and officers. The

widows and orphans cause is receiving attention, and ere long it is earnestly hoped there will be a fund established for the relief of those left in reduced circumstances. The executive endeavour in every way to promote and to conduce to the welfare of the members, and they strive to carry out the wishes of the Service so far as in their power lies, but if the support which they are entitled to expect is not readily accorded, they cannot be blamed for not giving a wider range to their efforts. Whether the Association shall take its proper position lies entirely with the members.

I may perhaps be permitted to claim to speak with some little knowledge of the subject of inquiries into shipping casualties, having been in daily intercourse with masters and officers extending over a period of nigh five years. Rarely in the course of conversation are these proceedings spoken of in a favourable manner. Masters in command of the largest steamers, as well as those in charge of the smallest sailing vessels, are unanimous in opinion that the inquiries are unjustly conducted. This being a point upon which the entire service agree, it appears to be absolutely necessary that most careful attention should be devoted to it, in order that the wrong under which the service feels it labours should be removed. That it is not a sentimental grievance is testified by the fact that the system under which the investigations are conducted, has been condemned by Judges on the bench, Barristers, Solicitors, Shipowners, Royal Naval Officers, and lastly, but not least, by those very gentlemen who are appointed to assist at the inquiries—the Nautical Assessors. No one who has carefully studied this question would contend that masters and officers are asking for something unreasonable, are demanding that to which they are not entitled, for it would be known that they are acting upon the authority of the Royal Commissioners on unseaworthy ships, who have reported that Courts of Inquiry in the Mercantile Marine are not conducted in

conformity with constitutional procedure, and that little confidence is placed in the decisions.

The Royal Commissioners have further stated that certificates should never be suspended, and they have notified to Parliament that the amendment of these Courts is of great importance, for they cannot conveniently be Courts of Inquiry, and Courts of Criminal Law.

This report was not issued until after very full investigation, and that it was not drafted without very careful consideration may be taken as granted, for if the recommendations made and opinions expressed had not been thoroughly discussed, the signature of His Royal Highness the Duke of Edinburgh would not have been attached thereto. With the view to improve the Courts a Wreck Commission was established, but the procedure was not amended, and it was thus described in the Court of Queen's Bench, when appeal was made to that Court to review the judgment of the then newly-appointed Commissioner, Mr. Justice Mellor, who presided, said:—"The course pursued of putting the master into the box and examining him, and then suspending his certificate can only be paralleled by the circumstances of the first French Revolution."

Lord Justice Baggalay in the case of the *Marlborough*, s.s., adverting to the proceedings in the Wreck Commissioner's Court, said:—"I am told that the defendant was subpoenaed before the Wreck Commissioner, and made statements which he was bound to make on oath. . . . I am ignorant of what the rules are which have been framed under the Act of Parliament, but I find amongst other things that a formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against a person that person shall have an opportunity of making a defence, yet he is to be called before the Court to furnish materials for a prosecution against him."

The proceedings of Courts of Inquiry it will be seen are

severely criticized in Law Courts, but they are also regarded with disfavour in official quarters. I hold a letter from the late President of the Board of Trade, dated the 15th September, 1880, in which Lord Sandon writes as follows :—

“ For some time before I was connected with the Board of Trade, I had been aware of the deep feeling of dissatisfaction which existed amongst our Mercantile Marine Service with respect to the system under which Inquiries into Shipping Casualties were conducted, and also respecting the judgments of some of the Courts which had held them. I have had reason to know that leading men connected with the Shipping of the United Kingdom were so much impressed by the risk to which masters and mates were subjected of having the whole of their professional prospects ruined by the judgments of these Courts, from which there was practically no appeal, that they were dissuading young men, in whom they took an interest, from entering the Merchant Service.

“ On becoming President of the Board of Trade, I made it my duty to watch carefully the working of this system, and, after giving myself more than a year, with the advantages my official position afforded for observation and consideration of its effects, I came to the conclusion that it was not only unjust and needlessly offensive to the officers of the Mercantile Marine, but that, most unintentionally on the part of those who had framed it and who had administered it, would, unless promptly reformed, have the effect of lowering the tone and status of that great profession, which it ought to be the aim of all who value the Maritime and Commercial greatness of our country, to improve and elevate.”

Can the Mercantile Marine require more emphatic words to convince it of the need to bestir itself and look after its interests, and with the opinions of so great an authority can there be any doubt that this Society is doing valuable work

and should be supported by those for whose welfare it so earnestly strives.

When the Shipping Casualties Rehearing Act was passed in 1879, everyone was led to expect an improvement in the procedure, and was sanguine that the Service would be enabled to place confidence in the Courts, as the Act made most important provisions for the better regulation of the Inquiries, and stipulated that the Assessors should be appointed by rotation and should possess certain qualifications. Unfortunately there is still ground for bitter complaint.

The results aimed at by this beneficial legislation have not been attained, for confidence has not been restored, and there would appear but small prospect of such a desideratum so long as the judgments are of a nature that the shipping community regard as opposed to nautical experience, and in the formation of which it is impossible to suppose that the Assessors can have been consulted.

Masters and officers no doubt, owing to the shortness of their stay in port, experience great difficulty in attending meetings, but though unable to profit by visiting the Society's rooms, they can have no excuse for pleading ignorance of what is going on, or what the Society is doing on their behalf.

The *British Merchant Service Journal* gives full information, and all who feel jealous of their interests and are desirous of knowledge would do well to read that publication, for they will derive therefrom a better insight into the evils arising from the system under which the inquiries into shipping casualties are carried out, than could be conveyed through the medium of a single paper dealing with the subject. Careful perusal of the pages of this book, which is dedicated to the welfare of the Merchant Service, will convince those (and from experience I know that there are many who from want of knowledge of the subject would scarcely credit it) that opinions in no way authorised by the Assessors are

often expressed by the judge on their behalf and consequently are expunged from the judgments ere published.

Proof will be found that the Court has dealt with a certificate, although it had no legal power so to do, and that consequently a second investigation was requisite in order to cancel that certificate in legal form. Evidence will be found that the rules for regulating the proceedings have been disregarded, and that neither the qualifications of Assessors nor their service by rotation is adhered to.

The Mercantile Marine, fully aware of the wrongs under which it labours, should lose no time in convincing the Government of the importance for the reconstitution of the Wreck Courts, and once that is accomplished the incontrovertible representations made by nautical men will no longer be treated with the indifference to which they are at present subject.

The masters and officers must demand that the Assessors (whose appointment is made with the object to secure that the peculiar and ever-changing conditions of our merchant shipping should be fully represented in the Court) shall be permitted to exercise their undoubted functions, and that they shall no longer have to submit to treatment which, whilst it reflects much discredit on the presiding official, tends to lower the Assessors in the estimation of the nautical profession.

Once let the Assessors assert their rights, and these Courts, unconstitutional though they be, will be in a better position to gain respect. Nautical experience and a thorough knowledge of shipping matters would then be brought to bear in lieu of ever-changing opinions which emanate from the brain of the presiding officer, "who was not present at the casualty, and who, apparently" and admittedly "is not a nautical man."

The reports issued after investigations would be written by nautical men, who would accurately describe the con-

struction of vessels, and they would never think to ask the judge to sign a report describing a ship as being "essentially a double well-decked ship," nor would they introduce ideas which evidently are being thrust forward at the Tonnage Commission. Gentlemen of great experience in their profession on appearing in the witness box would be treated with the respect due to them, and much hesitation would be felt ere the Assessors took upon themselves to offer gratuitous and erroneous instruction to skillful navigators in the manner in which vessels should be towed.

The Assessors, whilst carrying out these inquiries to the satisfaction of those chiefly concerned, would never stoop to insult men who have met with misfortune. There would be an end to the ignorant questions put to witnesses which tend to confusion and often cause the unfortunate person to be sneered at by one who of all others *should* temper justice with mercy, and who should cease to treat the evidence and opinions of nautical men with contempt.

In thus presenting an outline of the work which this Society is striving to bring to a satisfactory issue, I trust that the features of the Courts of Inquiry as now placed before the service will incite the Mercantile Marine to weigh the question well and say whether such a system shall continue.

All who desire to improve the position of those who command our Merchant Navy can assist by enrolling themselves as members of this or one of the kindred Societies, and by urging their friends to do likewise can strengthen the Associations in their united efforts to ensure that masters and officers of the Mercantile Marine shall no longer be treated in a manner to which not even the lowest class of criminals in this country are, or will be, permitted to be subject.

Only very recently a Bill was introduced to extend the system adopted in Shipping Inquiries to the receivers of

stolen property, but owing to the opposition offered to the Bill, it has been materially amended.

The *Standard*, writing on the subject, said:—"It is altogether contrary to the principles of our law that an accused person should be made to give evidence against himself. Such a procedure might perhaps bring thieves to justice, but it would be an unprecedented attack upon all legal tradition, and this of course is not to be thought of for a moment."

The *Globe* says:—"However desirable it might be that all reasonable facilities should be given by the law for the recovery of stolen goods, and so indirectly for the prevention of theft, such advantages may be too dearly bought."

If the press raises its voice on behalf of such a class, we may eventually win it over to our cause as one more worthy of support than that of receivers of stolen property. You are asked to strengthen the hands of those who have taken up the work, and to assist in convincing the Government that the time has arrived to sweep away a system which is lowering the tone and status of that great profession which it ought to be the aim of all who value the Maritime and Commercial greatness of our country to improve and elevate." (Cheers.)

After a discussion in which several members took part, but which owing to want of space we are reluctantly compelled to omit, the following Resolution was carried unanimously:—

"That the members now present having full confidence in the paper which has been read, and approving of what has been done by the Committee for the good of the Service, request that the Secretary do continue to advance the subject he has brought before this meeting, and which he has carried out entirely in accordance with the views of the Service."

OFFICIAL INQUIRIES WHERE
Reported since 1st

Ship.	Casualty.	Loss of Life.	Inquiry.
<i>Phæbe Lewis</i> ...	Abandoned about 60 miles W.N.W. of Ushant, 1st April, 1881.	...	Cardiff: Stip. Mag., 2nd June, 1881.
<i>Mohaka</i> , s.s. ...	Hatches washed away, &c., 4th March, 1881.	...	Blenheim, N. Zealand: Resident Mag., 11th March, 1881.
<i>Indus</i> ...	Stranded and destroyed by fire on San Carlos Reef, Cuba, 7th May, 1881.	...	Havana: H.B.M. Consul-Gen., 23rd May, 1881.
<i>Engadine</i> , s.s. ...	Stranded on the rocks inside Ushant, 27th April, 1881.	...	Westminster: Wreck Com., 13th June, 1881.
<i>Macedonia</i> , s.s. ...	Stranded and lost on the Mull of Cantyre, 30th May, 1881.	...	Glasgow: Justices of Peace, 17th June, 1881.
<i>Mennythorpe</i> , s.s. ...	Stranded on the rocks rear Baldayo, 5th June, 1881.	...	Corunna: H.B.M. Consul. 13th June, 1881.
<i>Planet</i> ...	Stranded, 4th June, 1880.	...	Freemantle: Presiding Justices, June, 1880.
<i>Acorn</i> ... <i>William Hartman</i> , s.s. }	Collided about 6 miles E.N.E. of Staiths, 28th March, 1881.	...	Cardiff: Stip. Mag., 25th June, 1881.
<i>Ocean Queen</i> , s.s. <i>Surprise</i> ... }	Collided at Levuka, 2nd February, 1881.	...	Fiji: 26th March, 1881.
<i>Norman</i> , s.s. ...	Stranded and lost near Seaham, 10th June, 1881.	...	Westminster: Wreck Com., 29th June, 1881.
<i>Benin</i> , s.s. ... <i>Duke of Buccleuch</i> , s.s. }	Collided in the English Channel, 12th March, 1881.	...	Westminster: Wreck Com., 7th July, 1881.
<i>Hailoong</i> , s.s. ...	Stranded on the Island of Quemoy, 2nd April, 1881.	...	Victoria, Hong-Kong: Stip. Mag., 23rd May, 1881.

CERTIFICATES HAVE BEEN DEALT WITH.
June, 1881.

Nautical Assessors.	Finding of Court.	Decision.
Forster. Castle.	The ship was overladen and her cargo not properly stowed. The master in default.	Certificate suspended for 6 months.
Cross, J. S. Lambert, W. H.	Breach of discipline.	The mate's certificate cancelled.
Ingles, } McKinstry, } R.N. Morris, M.M.	Error of judgment and neglect.	Master's certificate suspended for 3 months.
Ronaldson. Clarke.	<i>Vide</i> judgment published in July issue, page 352.	Master's certificate suspended for 3 months.
Curling. Murdoch.	Master in default.	Certificate suspended for 3 months. Lower grade granted.
Scott, A. Hill, J.	Error in navigation.	Master's certificate suspended for 6 months. Lower grade granted.
Stephens, A.	Culpable negligence.	Master's certificate suspended for 6 months.
Anderson. Rees.	Chief officer of the <i>William Hartman</i> , s.s., in default.	Certificate suspended for 3 months.
	Master unjustifiably absent from his vessel.	Certificate suspended for 6 months.
Forster. Kennedy.	Negligent navigation.	Master's certificate suspended for 6 months.
Powell, R.N. Beasley. Hyde, S.	Second officer of the <i>Duke of Buccleuch</i> to blame for not keeping out of the way of the <i>Benin</i> , his being an overtaking ship.	Certificate suspended for 12 months.
Thomas, R.N. O'Neil, } Ellis, } M.M. Burnie, }	Want of proper care and precaution.	Master's certificate suspended for 6 months. Lower grade granted.

S.S. "ROWLAND" APPEAL.

THIS appeal, under the Act of 1879, was from the decision of a Court of Formal Investigation into a Shipping Casualty, held at Cardiff by the Stipendiary Magistrate; Captains Clarke and Anderson, Nautical Assessors.

The investigation in question arose out of a collision which took place in Dover Roads, on the 19th April, 1881, between the s.s. *Rowland*, of Newcastle, and the brig *Mary*, of Whitby, and by judgment given on the 13th May, 1881, the master of the *Rowland* was held to be in default, solely on the ground that he had not placed two men on the forecandle-head to look out.

The case came on for argument on Monday, July 11th, before the Admiralty Divisional Court, consisting of Sir James Hannen, President, and Sir Robert Phillimore, assisted by Captains Bayley and Atkins, Trinity Masters, when, after full argument, the judgment of the Court was given reversing the decision of the learned Stipendiary, with costs against the Board of Trade.

THE PRESIDENT: We are of opinion that this judgment cannot be supported, and it must be reversed. It is no part of our duty to say whether there was any blame on the part of the *Mary*. For the purpose of this appeal we assume that she was not to blame, and that the cause of the collision arose from what was done, or what was not done on board the steamer. It has not been contended that there was any negligent navigation on the part of the steamer, except with regard to the look-out, and it is expressly found by the learned Stipendiary Magistrate that there was not any other negligence on the part of the steamer. We agree that the running down of a ship riding at anchor in a frequented roadstead is a most serious offence, but we must

not on account of the seriousness of the injury that has been done be hasty in coming to a conclusion as to who it is has been guilty of the offence, if anybody.

It appears to me that the evidence shows very clearly that the *Mary's* light was in fact burning. The only suggestion which has been made to account for its not being seen by those on board the steamer is that it must have been obscured by the mast as the vessel swung. But we are advised by those who assist us that there is nothing to show that that did in fact take place, or that it was possible that it could take place. Upon the evidence it would appear that there was no reason why that light on board the *Mary*, which undoubtedly was burning at the time she went down, might not have been seen sooner than it was.

Now the question, and the only question, which we have to determine is not as though we were trying an Admiralty case between two vessels. It might well be that the conclusion we should arrive at would be in accordance with that which is evidently the opinion of the learned Stipendiary Magistrate, that the sole blame is to be imputed to those on board the steamer ; with that, on this occasion, we have nothing to do. The simple question we have to determine is, whether or not the master, the individual man, has been guilty of neglect, by reason of which this collision has taken place. Now we find it clearly established—not disputed on this occasion—and found as a fact that there was a proper person, namely, Thompson, appointed for the purpose of looking out. There is no evidence to show that he was not an efficient man. On the contrary, there is strong evidence, namely that of the pilot, who in some respects may be regarded as being in a neutral position, there is, I say, strong evidence from him that this man Thompson had done his duty efficiently throughout the voyage. If that is so, if the man was put on the look-out, and if he was an efficient man, so far as the captain could have any means of judging an efficient

man, what more could the captain do? It has been said that he ought to have been on the alert to see that he was doing his duty. But how can a man see that another is doing his duty, that duty consisting of looking right a-head, and seeing whether there is anything visible. It is impossible for the captain or anybody else, whose duty was behind him on the bridge, to be seeing in which direction the eyes of the look-out man were cast.

It appears to me, therefore, that no reasonable suggestion has been put forward either in the Court below or in the arguments on this occasion to show that the captain could do anything more with regard to the look-out man than he did, namely, to see that he was there, apparently doing his duty.

But it has been said in the Court below, and that in fact is the *ratio decidendi* of the Court below, that there ought to have been *two look-out men*. We are advised by those whose assistance we have now that it is not the practice—that it cannot be laid down as a rule that there must be two men. That there may be circumstances under which it would be prudent and proper that two men should be put on the look-out, I, for my part, cannot doubt. But then, what are the circumstances here which can be relied upon as showing that there was anything to call for that abundant caution of having two men. It was a night perfectly clear, though dark, a condition of the atmosphere which we are informed, and which our own experience must tell us, is most suited for the seeing of lights. They are then brought out in sharper contrast to the darkness around, and so are better seen.

Then what was there in the place where the collision occurred? This was not a crowded place, in which there would be likely to be, or which in fact there were numerous lights calculated to confuse the vision, and I am not able to suggest any other state of things which would give rise to

the necessity of having a second man. It was perfectly clear without fog, and so on. It appears to me, therefore, that the reasons upon which the learned Stipendiary Magistrate founded his judgment are unsound. There is nothing in the evidence to show that the master had not done all that it was his duty to do with reference to the look-out; and secondly, there is nothing to show there were any special circumstances calling upon him to place a second look-out man to assist the man who was already there doing his duty.

But Mr. Dankwerts has suggested another ground of negligence to that which has been referred to by the learned judge in the Court below, for he says that there was negligence on the part of the captain in sending the mate to burn the blue lights. But it is to be observed that even if it were an improper act to send the second mate to burn the blue lights, it had taken place a considerable time before the collision, so long without relying on any statement of what the time was—that he had time to resume his place on the bridge at the time when the collision took place. Even, therefore, if there had been that, which was never suggested by the Court below, and which only seems a suggestion now, due to the ingenuity of Mr. Dankwerts, if there were any grounds for it, it could not have been the cause of the collision.

Now although it is no part of our duty to enter into any minute examination of the cause of the collision, provided we are of opinion that no blame is attributable to the captain in the matter, yet it may be as well that I at least personally should express my view of the probabilities of the matter. I think it is exceedingly probable that the burning of these blue lights had something to do with the matter, and it may very well be that burning those blue lights would have the effect during their burning of obscuring the vision, and after their burning of rendering less efficient the sight

of the individual whose eyes had been exposed, not actually to the glare of the thing burning, but to the diffused light which there is when such lights are burnt. But we have to consider whether or not the look-out man was in any way affected by them. Now upon that point he would naturally be anxious to exculpate himself if he could, says candidly and fairly enough that his sight was in no way obscured by the blue lights, for he never looked at them. He was doing his duty looking a-head, and he was not in any way affected by them. Therefore, taking his statement, it cannot be alleged that the burning of these blue lights in any way contributed towards the collision. It is of course just possible — (it must not be taken that I am holding that it was, I am merely throwing it out as an hypothesis)—that though the man says he never looked at the blue lights, his attention might have been diverted by the blue lights, and he may have looked at them; but if that was so it would be in neglect of his duty, and in direct contravention of his duty, and would not be one of those things for which the captain is answerable. The captain of course has to exercise a general supervision of all things. Although he is on the bridge and would be looking a-head from time to time, and perhaps principally doing so, yet he has other duties to perform, and he is justified in discharging those other duties though they may divert his attention from looking a-head, for the express reason that there is a man on the look-out, whose duty it is to be as it were the eyes of the ship.

For these reasons it appears to me that the judgment cannot be supported, either upon the original grounds relied upon, or upon those advanced by Mr. Dankwerts.

Sir ROBERT PHILLIMORE: We have sought in vain for an answer to the question, what it was in the conduct of the captain that was so much amiss as to bring down upon him so severe a sentence as has been passed in this case, and

after conference with the Elder Brethren of the Trinity House, we have arrived at the conclusion that though the *Rowland* may be to blame for this collision, and may in a proper suit be so found, yet there is nothing to show that the master omitted to do or did do anything which led to the collision. I agree with the learned President that it is our duty to reverse the sentence of the Court.

"COSTS."

"IN THE OPINION OF THE BOARD OF TRADE THE
CERTIFICATE SHOULD BE DEALT WITH."

ON numerous occasions we have made comment on the above headings; we now give the views thereon of the Admiralty Court in the appeal of the *Rowland* :—

Mr. MYBURGH: May I ask your lordships for the costs of this appeal. In the case of the *Arizona*, where your lordships reversed the decision of the stipendiary, your lordships, although it was before the additional rules which now give the Court of Appeal power to deal with the question of costs, decided that the costs must follow the event. Your lordship now, as the Court of Appeal, has power "to make such order as to the whole or any part of the costs of or occasioned by the appeal as may seem just." Now, my lords, this is a case in which your lordships have found not only that the judgment was wrong, but wrong for the reasons which have been given. The master was compelled to come here to have his character vindicated, and to have this judgment charging him with default reversed, and I trust, therefore, your lordships will think, under the circumstances, that the Board of Trade should pay the costs of this appeal.

Mr. DANKWERTS: If your lordships think that there is

that invariable rule that the costs should follow the event, I will say nothing.

The PRESIDENT: I do not think that we have laid down any such absolute rule.

Mr. MYBURGH: No, I do not say that your lordships have laid down any rule, I only say that in the case of the *Arizona* your lordships made the costs follow the event.

Mr. DANKWERTS: Your lordships will remember the Board of Trade is here in a somewhat neutral position. They are in the unfortunate position of having, as an entirely disinterested party, to assist by appearing before the Judge below in bringing the facts properly before the Court, AND THEY ARE IN NO WAY RESPONSIBLE FOR THE DECISION OF THE MAGISTRATE. The course of procedure obliges the Board of Trade to put certain questions to the magistrate, which the magistrate may answer as he pleases and as he thinks they should be answered. When he answers them in a certain way, the captain comes here and applies to your lordship, and the Board of Trade is in the unfortunate position of having in that event to support the decision of the magistrate, and has to bring before your lordships the reason why he has arrived at the opposite view to that taken by the appellant. I submit for your lordship's consideration whether it is a case in which the Board of Trade should be compelled to pay the costs of the master. There is no special reasons why they should.

The PRESIDENT: You would greatly assist me, Dr. Dankwerts, if you can suggest any principle upon which we ought to be guided. Remembering we have the power of making the Board of Trade pay costs, on what principle ought we to be guided in such matters?

Mr. DANKWERTS: Perhaps some such reason as this, namely, that there has been some conduct on the part of the Board of Trade which has led the magistrate to give the particular decision he has given, and which has made it

necessary for the appellant to come to this Court and appeal to your lordships.

Sir ROBERT PHILLIMORE: How is he to get rid of the sentence except by coming to this Court?

Mr. DANKWERTS: *I do not know, my lord. That is the fault of the statute, not of the Board of Trade. It is rather hard, I think, that the public funds of the country should bear these costs.*

The PRESIDENT: *It is still harder that the INDIVIDUAL should bear them.*

Mr. DANKWERTS: That may be so, my lord.

The PRESIDENT: I think there is something in this, that the Board of Trade INVITES the magistrate to deal with the certificate.

Mr. DANKWERTS: Not quite, my lord.

Mr. MYBURGH: Yes, my lord, Mr. Waldron then asked that the master's certificate should be dealt with. My learned friend may say what he has to say upon the point, but may I refer to your lordship's judgment in the case of the *Arizona*. Your lordships there said, "We have come to the conclusion that whereas in this case the action of the Court below in suspending the certificate proceeds on the invitation of the Board of Trade, we ought, where we think the certificate has been improperly suspended, to give costs to the successful appellant, unless we should be of an opinion that he has been guilty of such misconduct as rendered an inquiry as to the suspension of his certificate reasonable." Your lordships went further, and threatened that if an appeal was unsuccessful your lordships would not hesitate to make him pay the costs.

The PRESIDENT: Certainly. I think that is as near an approach to laying down the principle as I could attain to at the time, and I see no reason to depart from it.

Mr. DANKWERTS: I should like to test it in this way. I have been before some of these Courts of Inquiry, and the practice of the Board of Trade is owing to the unfortunate

wording of the rule, that they at the end are obliged to state whether something ought or ought not to be done with respect to the certificate of the master, but it is the custom for the Board of Trade to state that in order that the Court may have jurisdiction if it thinks fit to operate upon the certificate of the master, because some notion has sprung up that unless the Board of Trade state something of that sort they have no jurisdiction to do so, but it is not the practice of the Board of Trade to invite them to deal with the certificate.

The PRESIDENT: *It was done in this case.*

Mr. DANKWERTS: No, my lord, it is simply the formal statement required by the rule.

The PRESIDENT: *It was the Counsel who represented the Board of Trade.*

Mr. DANKWERTS: Yes, my lord.

Sir ROBERT PHILLIMORE: "Mr. Waldron then ASKED that the master's certificate should be dealt with."

Mr. DANKWERTS: I was suggesting that although it is formerly the practice to state that, still it is well understood by all parties that it is not the intimation of opinion that it should be suspended, but simply to give the Court jurisdiction if it thinks fit. I leave it entirely in the hands of the Court.

Sir ROBERT PHILLIMORE: You see in this case a VERY SEVERE SENTENCE was passed.

Mr. DANKWERTS: We are not responsible.

Sir ROBERT PHILLIMORE: I do not say that you are, but you must look at it from the captain's light as well as your own. He is deprived of his certificate for three months, and it is what may not unfairly be said to be a HARD SENTENCE. If the Court is right in coming to the conclusion that it was not a sentence founded upon the evidence, he ought to have the costs.

Mr. DANKWERTS: If your lordship will forgive me, it is not the only process the master has of getting rid of his

sentence. The master need not come to this Court, but there is another process given by the statute, namely, that he may go to the Board of Trade to review this decision.

SIR ROBERT PHILLIMORE: That is supposing the Board of Trade to be ABOVE ALL HUMAN WEAKNESS.

MR. DANKWERTS: Then I say the principle that I would suggest is that where the master has gone to the Board of Trade, and the Board of Trade have refused to grant a rehearing. That is a very fair principle to lay down. The Board of Trade have no wish to proceed against anybody harshly. They are a public body, and they have done all that is fair and proper.

THE PRESIDENT: We have no doubt about that.

MR. DANKWERTS: Therefore, perhaps your lordship would lay down this rule, that before coming here and appealing, the master should take some steps to sound the Board of Trade to see what they would do.

THE PRESIDENT: That is very vague. To sound them may be a figure of speech derived from the subject-matter of the investigation, but sounding the Board of Trade may be BEYOND ALL POSSIBILITY OF SOUNDING.

MR. DANKWERTS: I do not mean sounding, I mean the statutory right of appealing to the Board of Trade.

THE PRESIDENT: I adhere to what I said in the case of the *Arizona*. I think that that which is the ordinary rule in litigation should be applied in these cases, that the successful appellant should have his costs unless there are exceptional circumstances. If I thought that although I was bound on technical grounds to reverse the judgment and to acquit the master, he had been guilty of some conduct which naturally invited inquiry on the part of the Board of Trade, I should not hesitate to refuse him his costs, although he might have been successful here. But do not think that there are any such exceptional circumstances here, and I cannot but observe that if the Board of Trade think it right to come and

support the judgment, it scarcely lies in their mouth to say that if it is reversed they are not to take the consequences of that reversal. I think if the Board of Trade wishes simply to LEAVE THE MATTER IN THE HANDS OF THE COURT, then the proper course would be NOT TO APPEAR AND SUPPORT THE JUDGMENT. Where the Board of Trade appears and supports the judgment, then I think the ordinary result of litigation must follow, except as I say exceptional circumstances. I therefore think that the successful appellant should have his costs of this appeal.

SOUNDING THE BOARD OF TRADE.

IN our last number was published part of a correspondence between the Board of Trade and the Shipmasters' Society of London, relative to the Court of Inquiry, s.s. *Rowland*. On the 27th May the Society asked for the return of the master's certificate on the ground of irregularity in the proceedings of the Court of Inquiry. The Board saw no reason for so doing, because, in the printed copy of the report of the Court, it appeared that the master was defended by a competent solicitor who the Board assumed would have pointed out any irregularity that would have invalidated the proceedings. The Society then pointed out that the solicitor had objected to the irregularity, but the Court had overruled the objection. The irregularity consisted in the omission by the counsel for the Board of Trade of the expression of the opinion of the Board that the master's certificate should be dealt with, for without this expression of opinion the Court cannot suspend. The solicitor for the master had commenced the defence when he pointed out the omission as rendering unnecessary the greater part of the defence, on which the counsel for the

Board of Trade applied and obtained the sanction of the Court to the entering of the omitted opinion on the proceedings. About six weeks after the master's appeal was heard, and the Court of Admiralty reversed the decision of the Court of Inquiry, and mulcted the Board of Trade in costs, passing severe strictures on the manner in which the whole case was treated.

Had the Board of Trade informed their counsel that they had thus been *sounded*, as he called it, *to see what they would do*, he would not have brought down upon the Board the strong remarks of the Admiralty Court (see p. 395) on this question of the expression of the opinion of the Board; the Board would have saved themselves the discredit of this appeal and the payment of the costs. Perhaps the Board will take the hint given them by the Admiralty Court, and will abstain in future from appearing to defend the judgments of these inferior Courts.

The only judgments as yet appealed from have been reversed or mitigated, showing how hollow is a system based as this is on cruel injustice to a class.

SELECTION OF CASES FOR INQUIRY.

ONE of the points to which the attention of the suggested Royal Commission must be drawn is the rationale of the selection, from the great number of casualties, of those which are sent for investigation. We have often stated that some most trivial, we may say absurdly useless, inquiries are ordered while others from which valuable suggestions might be gathered remain untouched. It has been alleged that sometimes cases are not sent up because to do so might prejudice the parties in a pending suit in the Admiralty Court, but we have heard

other reasons mentioned and we have information on this subject of a very interesting nature which would astonish some of those concerned. One of the questions to which answers must be sought is, "By whom is the selection originally made? What rules have been framed for his guidance? Who finally decides whether the case shall be investigated or shall carefully be left alone?" The heads of the department cannot personally attend to the duty, but the official to whom the work is delegated should be held responsible for the selection being made with the useful object in view, of ascertaining simply the cause of the casualty. It is recorded that the reports of the Receivers of Wreck are first sifted by an experienced clerk, and are sent on in a certain routine until they reach the official who "with half an eye" can see if any good is likely to ensue from further investigation. It is very evident either that this "half an eye" is often shut, or that many cases are for some reason carefully put before the other half which presumably is not of any service for cases that would throw light upon a very serious class of casualties which are never investigated, while others are set down for hearing that can never bring forth more than a series of turgid arguments and useless suppositions or reasonings that, based upon the presumptions arising from a fervid imagination, are as useless as can be, and which if impersonated might be described as

"*Gratis anhelans, multa agendo, nihil agens.*"

(Out of breath to no purpose, and very busy about nothing.)

Another point to which attention must be drawn is the appointment of the Assessors and the way in which the roster is kept. It was directed that the Assessors should be taken in rotation in their classes, but it is beyond all possibility that the roster has kept some of the Assessors from ever sitting in some of the Courts, while others never sit in any other. The reasons given for this

peculiar state of things, if credible, are not very creditable to those concerned.

These are small points as compared to the gross injustice which in these inquiries forces masters to convict themselves, an injustice we shall continue to expose to the best of our ability, for it is the keystone which keeps these wrongs together. If this cruel injustice were done away with, the rest of the system would collapse for putting aside the unnecessary cost to the nation, the net result has been fitly described by one who likens the Board of Trade and its pet system to a cockney who took a farm, and to employ his servants set his bailiff to milk a ram while the others held the pail.

ADMIRALTY SURVEYS, 1880.

A PARLIAMENTARY Paper (No. 257, 1881) has been published containing the report of Captain F. J. O. Evans, C.B., Hydrographer of the Admiralty, on the work performed in 1880, under the direction of the Admiralty, in the examination and charting of the seaboard in various parts of the globe. In the various small vessels thus employed there were eighty-one officers of all ranks, forty-three of whom appear in the *Navy List* as "Officers employed on Surveying Service."

The ships of war employed in surveying duties on foreign stations during 1880 were the *Alert*, in the Straits of Magellan, West Coast of Chili, and islands of South Pacific; the *Fawn*, in the Sea of Marmora; the *Flying Fish*, from England, and in Carmiata Strait; the *Magpie*, on the coast of China; the *Sylvia*, on the coast of Japan and (during voyage home) on the West Coast of Africa, north of Orange River; and the schooners *Alacrity*, in the neighbourhood of the Fiji Islands; and the *Sparrowhawk*, in the West Indies. Two small schooners, *Sandfly* and *Reynard*, attached

to the Australian squadron, and acting under the orders of the Commodore, have also been employed as often as opportunities offered during their course of general duties, in adding to our knowledge of hydrography in the Western Pacific Ocean, particularly among the Solomon Islands and the groups lying to the north-east of New Guinea.

In addition to the foregoing, there have also been engaged on surveying duties on the coast of the United Kingdom the paddle-wheel vessel *Porcupine*, belonging to the Royal Navy, with a hired crew; and the small steam-tug *Knight Errant*, hired with crew especially for this service. On the coasts of Newfoundland and Labrador, the hired steam-vessel *Gulnare* has been employed. In the colonies of South and Western Australia two sailing schooners, engaged at the joint expense of the Home and Colonial Governments for charting the seaboard of these colonies.

Leaving the strait of Magellan in April, 1880, the officers of the *Alert* proceeded to the South Pacific for the purpose of determining the latitude and longitude of certain islands and shoals, whose positions were considered doubtful. Of these the Minerva or Ebril Reef, La Rance Bank, Sprague Reef, Acis Reef and Le Rhin Bank, being searched for without success, may be removed from the charts. Masses of seaweed, meeting of currents, or shoals of fish appear to have caused the report of these dangers, and we cannot do better on this occasion than call the attention of mariners to the excellent remark in Captain Bedford's *Sailors' Pocket Book*. In the note to page 173 we read:—

“Considerable discretion is required in reporting new rocks or dangers. Their existence and position should be first well determined, for when once doubtful dangers are placed upon the chart, there is a great difficulty in removing them; they become a source of considerable anxiety, increasing the difficulties of navigation, harassing alike the mind of the chart-maker and the chart-user.”

Nassau Island, Tema Reef, the Danger Islands and Lalla Rookh Bank were charted, and the true positions obtained.

Captain Wharton's survey of the Sea of Marmora is completed, and the work placed in the engraver's hands.

Lieutenant Hosykn in his passage to Japan in the *Flying Fish* examined and resounded the coast of Arabia, between the Strait of Bab-el-Mandeb and Aden, thereby demolishing another doubtful shoal. On going through Carimata Strait some time was spent in examining the northern portion of this ocean highway, the clusters of reefs lying to the north-west of Carimata Island; the Mantaran Islands, were charted and several doubtful dangers removed.

The officers of the *Magpie* have been employed in the examination of anchorages on the east coast of China, liable to be used by steamships making the passage between Hong Kong and Amoy. They have also examined the eastern entrance to Hainan Strait, finding banks to extend twenty-five miles to seaward of the Strait. These officers have also been employed in searching for a reported shoal, and the "Oxus Rock," said to lie in the track between Hong Kong and Hainan, may now be removed from the charts.

Commander Aldrich on his return home from Japan in the *Sylvia*, ran along the west coast of Africa, between the Orange River and Walfisch Bay. The result of this cruise, amalgamated with the sketch survey of the late Captain Owen has been published, but much more must be done before this chart can be used with safety by seamen. Sir Bartle Frere's representations of the unsurveyed state of the coasts of the Cape Colony have not yet been attended to.

The survey of the Fiji Islands is still being carried on in the schooner *Alacrity*, while the schooners *Renard* and *Sandfly* continue their useful labours in the south-west Pacific. We hardly think these small vessels are equal to the occasion. A couple of steamships would do this work in a far more

satisfactory manner, and cost much less in the long run. Surveying with schooners in 1881 is like sending mails by coach rather than by rail. Another Parliamentary paper (No. 284 of 1881), giving the report of Captain Maxwell, R.N., on the punishment of natives for the murder of Lieutenant James St. C. Bower and other outrages committed by them in the Solomon Islands and other groups of the Western Pacific, calls attention to the want of surveys in this part of the world. Certain Admiralty charts are spoken of as "altogether worthless," others as "being very much out," while the directions are termed "vague." Captain Maxwell also remarks that from his experience he should very much distrust any of the plans published, "except those made by properly qualified naval surveyors," and in conclusion recommends the constant presence in these waters of one or two efficient steamships to watch natives and traders alike. Here is a great chance for the Admiralty Hydrographer to turn his schooners into steamers.

These remarks of Captain Maxwell point strongly to the necessity, when navigating unfrequented coasts, of sailors critically examining the chart in use; by observing the date, authorities, style in which the coast line is drawn, the amount of soundings, and any notations that may be made. By this means it may be discovered if the coast in question has ever been properly surveyed, and how much reliance should be placed upon the chart.

In the West Indies the schooner *Sparrow Hawk* has been surveying the dependencies of Jamaica; Morant Cays, Portland Rock, and the lesser Cayman Islands having been visited.

On the north-west coast of Australia, Staff Commander Archdeacon has been doing his best in the little schooner *Meda* in surveying the ports explored and named by the *Beagle* in 1838, with a view to ascertain whether they were suitable for settlers. The *Meda* has also been reef

hunting without success, no traces being found of the reported Eldorado and Beaver Reefs. The knowledge of the time, talent, and money expended upon these fruitless searches will, we trust, make sailors consider before reporting the existence of new shoals without possessing accurate information.

At home the *Porcupine* has been working in the English, and the hired steam-tug *Knight Errant* in the Irish channel. A detached party has also been employed in the River Clyde.

Valuable notes are from time to time received from officers of the Mercantile Marine; prominently among these contributors for the year is Mr. G. C. Anderson, commanding the steamship *Appin*, who has given useful nautical information on that little frequented region in the Gulf of Tartary, the west coast of Saghalien Island, and the mouth of the Amúr River.

During the year, fifty-eight new plates of charts have been engraved and published; of these, eighteen are new English surveys. Thirteen are republications of foreign Government charts; twenty are republications of English charts, and four are republications from the Indian Marine survey. In addition to which, 2,500 plates have received corrections by the engraver. Many of these corrections were additions of an extensive and important character, resulting either from the labours of the Admiralty surveying officers or from material contributed by foreign Governments. [Bi-monthly notices, widely distributed, convey this information to chart agents and others interested in the accuracy and progress towards completeness of marine charts.] Sixteen thousand and upwards of printed charts have received corrections at the hands of draughtsmen; these corrections are not sufficiently serious to cancel the copies in circulation, though desirable in the interests of navigation. The number of charts printed for the requirements of the Royal Navy, for Government departments, and to meet the demands of the general public,

has during 1880 amounted to 201,900, showing an increase of 9,840 charts above the requirements of the year 1870. This is a satisfactory proof of the success of Commander Hull's movement, which we have continuously advocated, calling the attention of shipowners and masters to the importance of keeping their vessels supplied with the latest editions of Charts and Sailing Directions.

The books published were—African Pilot, part I., containing directions for the West Coast, from Cape Spartel to the River Cameron, including the Azores, Madeira, Canary, and Cape Verde Islands. Mediterranean Pilot, vol. III., comprising the Adriatic Sea, Ionian Islands, and Western Coasts of Greece. Norway Pilot, from the Naze to the North Cape, and Jacob River, by Lieutenant G. T. Temple, R.N.; and the West Coast of Hindostan Pilot, which also gives directions for the West Coast of Ceylon and for the Maldivh and Lakadivh groups.

The number of lights in the British islands on the 1st of January, 1881, amounted to 765; over the whole globe 4,953. In 1871 these numbers respectively stood at 520 and 3,387; in 1861 at 409 and 2,436. The number of lights over the navigable globe has thus more than doubled in the last twenty years. The British Islands lights have also nearly doubled in the same time, preserving fairly in each decade the relative proportion of nearly one-sixth of the lights exhibited over the world. There is also published, at intervals depending upon the extent of the necessary corrections and additions thereto, a catalogue of the Admiralty charts and plans, now amounting to 2,700 engraved plates; as also of eighty-two books and pamphlets of sailing directions issued from the Hydrographic Department. This catalogue gives the scale, official number, and date to which it has been corrected, and the price of each chart. The present catalogue was published in 1880.

Note.—A new catalogue for 1881 has lately been issued.

THE "OCEAN COURIER."

WHEN Columbus gave his celebrated illustration with the egg, everyone felt as though they ought to have known "how to do that"—and this will very likely be the impression of most people when they first look at the above simple but effective apparatus, and recognise that it is its extreme simplicity which gives it value, by adapting it to the purpose which it is designed to fulfil. Nothing can be less susceptible of retardation than an outwardly smooth sphere. Hence the adoption of that form for the "Courier." This—the recognition of the *wind* as the motive power—and the *large size* of the sphere (so that it may be seen from a very long distance) may be said to constitute the main features of the invention, because the despatch tube and form are matters of detail not in any way valuable until the "Courier" itself *be found*.

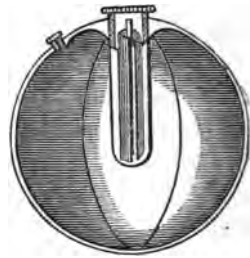
Therefore, although admirably thought out, and as perfect in themselves as need be, they are perforce but subsidiary to the valuable ideas embodied in the "Courier" itself. We believe we are right in saying that we were the first to see this invention before even it was tried, and so simple did it appear to our minds that we could scarcely believe it could only now for the first time be about to be brought into use.

We have much pleasure in giving a brief account of the trial made with it which, as will be seen, was all conclusive as to its value and usefulness, and in which *all* the advantages claimed for it beforehand were most singularly illustrated.

Thrice picked up in so short a time, the unsought testimony of the practical mariner as jotted down on the despatch form, and the immediate grasp of the intention with which it was launched by all those who picked it up and again committed it to the waves, shows an appreciation of its merits and uses which cannot but be highly flattering to the

inventor, and valuable testimony to the merits of the invention.

"When it is required to use the 'Courier' the cap should be unscrewed, the dispatch book taken from the tube, and the necessary memoranda written in it. Whilst this is being done the small mouthpiece by which the 'Courier' is inflated, should be turned 'open,' and the 'Courier' be inflated by a second person, in order to economise time—in



the case of sudden emergency. The inflation being completed, nothing remains to be done but to restore the dispatch to the tube, screw on the cap and mouthpiece as tightly as possible, the 'Courier' is then ready for launching, and should of course be thrown overboard to leeward.

"The 'Courier' will travel nearly as fast as the wind. It is made of the best red india-rubber; and, having a diameter of 2 ft. 6 in., weighs only 7 lbs. It is made thus large in order that the wind may have a good hold of it, and from its spherical shape and infinitesimal displacement, it will travel before the lightest air as quickly as the air current itself. It cannot be alighted on by birds, or injured by fish, whilst violent contact with rocks will not injure the material it is composed of; but even should perforation take place it will still float, and the contents remain uninjured. From its size and colour it can be seen at a distance of many miles, and affords a certain method of conveying to the shore such intelligence as may be necessary. Its advantages in cases of

disablement from the breaking down of machinery, or from any cause, off a lee shore cannot be overrated, as by its use aid could be at once sent to the exact spot indicated by the latitude and longitude in the dispatch. As a means of conveying record of disaster its superiority over the bottle, cask-stave, or any other means hitherto available on shipboard, must be at once apparent. Tin cases, bottles, and other receptacles are entirely subject to the action of currents, and may go half round the world before being found, and are at all times liable to destruction from perforation by contact with rocks, &c., or from oxidation from long exposure.

"On Friday, the 8th July, Mr. Baker launched a 'Courier' of the size and description mentioned, from Sea View Pier, at the east end of the Isle of Wight, a very light air only prevailing at the time. On throwing it overboard it rebounded to a height of at least ten feet, and then went away before what wind there was, as fast as the wind itself, and in a very few minutes had made about a mile, when it was picked up by a yacht which lowered a boat for the purpose, but considerable difficulty was experienced in catching it. The yacht being signalled to throw it overboard again, the owner very courteously complied with the request, and the 'Courier' was out of sight from the pier head in half an hour. We may here notice the form of the dispatch used. It consists of a few sheets of paper bound with a narrow strip backing, having an eyelet in the lower left-hand corner, to which is attached by a lanyard of string, an indelible pencil, so that when it is desired to fill up the form, all necessary materials are at hand for the purpose. There is on the dispatch form a printed request in English, French, Italian, German, Spanish, Greek, and Russian, to the finder, asking him to take the 'Courier,' or at least the dispatch, to the nearest British Consul or Lloyd's Agent, and then, on the left-hand side of the front page follow under each other the following printed words:—Name of ship,

captain, latitude, longitude, date of dispatch, cause of same, state of ship, boats left ship, number in same if known, casualties up to the time of dispatch of message, intentions, remarks.

"So that it will be seen, everything is done to facilitate the almost instant launching of the little apparatus. Returning to the dispatch enclosed in the trial 'Courier,' we have seen it, and give a verbatim copy of it, premising that it was received in London on Tuesday, together with the 'Courier,' in no wise the worse for its baptism:—

(COPY.)

" 'Sea View Pier, Isle of Wight,

" 'July 8, 4.30 p.m.

" ' *Experiment.*

" 'If the finder will allow the air to escape, and pack the "Courier," sending it to W. Puzey, Esq., Metropolitan Buildings, Queen Victoria Street, London, he will much oblige, and a reward will be forwarded to his address, if he will write same on this, and also the exact time and place of finding the "Courier."

" 'Selsey, Chichester, July 11, 1881.

" 'Sir,—Picked up the "Courier" at 10.15 a.m. on Saturday, the 9th, Ower's Light Ship, bearing E., distance one mile, Selsey Bill, bearing N.N.W. $\frac{1}{4}$ N., distance six miles. I think it would be an improvement to the "Courier" to have the brass cap marked, such as "*open this*," or something of the kind, as, not having seen one before, I did not think of opening it for some time. I think it a clever invention, and it would go very fast with a fresh wind or gale. It appears to have been picked up at the Warner Light and put over again, as you will see on the next leaf. I have allowed the air to escape, and forward it by rail to the address named.

" 'Address, JAMES LAWRENCE, Pilot,

" 'Selsey, near Chichester."

" ' Warner Light, July 8.

" "Picked up at 6 p.m., not knowing what it was; and ascertained the contents and put it over again.' "

We think that it should be at once adopted for emigrant and, indeed, all other vessels. What would not the friends of those who perished in H.M.S. *Atalanta* give to know what fate actually befell that ship? What would not the Admiralty give? And what would not the whole people of England give to know the same?

It is in the first degree probable that had that vessel been supplied with one or two of Baker's "Couriers" that knowledge would long since have been public property. We can only say that we trust that this, the invention of a practical sailor, and not of a mere theorist, may meet with all the success it deserves both at the hands of the Admiralty and of the Board of Trade.

"BENIN," S.S., AND "DUKE OF BUCCLEUCH," S.S.

THE extraordinary judgment in this case requires attention on several grounds. The collision between these two vessels had already been inquired into by the High Court of Admiralty and the *Duke of Buccleuch* was found to be in fault, but as the case was not instituted by the Board of Trade, and that Department could not be supposed to have any knowledge of anything not recorded within its walls, it was deemed advisable to find occupation for the Wreck Commissioner and for three Assessors, in making a formal investigation into facts already recorded in a superior Court and fully published.

The Wreck Commissioner's Court was created "for the purpose of rendering investigations into shipping casualties *"more speedy and effectual."* In what way this is done by investi-

gating facts twice over can only be explained by the Board of Trade. If the cause of the casualty only was sought it had already been found, if the object were, and there can be no question of this, simply to punish the wrong doer, it was an injustice to the owners and masters of both vessels to force them to pay twice over for legal assistance, there was sufficient evidence available to have tried the second officer without needlessly inflicting heavy expenses on others. Was justice done to the owners and master of the *Benin* when they were refused their costs? This second inquiry was not had at their request, nor could any good be done them by it. If any advantage could arise therefrom it would be to the nation, and the costs of the *Benin* should have been allowed them by the Board of Trade. It is notoriously useless to ask for costs against the Board of Trade, but the Wreck Court refused even costs as against the master and owners of the *Duke of Buccleuch* because the officer, whose conduct caused the damage, could "hardly" be said to have had, even constructively, authority from the "master and owners to commit so wilful and culpable an act." (On this point we have something to say.) But the Court in its report adds, "We should have been strongly disposed to punish the second officer by a condemnation in costs had it been worth the while of the owners of the *Benin* to proceed against him." The Board of Trade may welcome such discursive reports, they may find instruction in the diagrams, and it may be new to them that all the angles of a triangle are equal to two right angles (the information might furnish another "Notice to Mariners"); but the reports are laughed at by all but those who are insulted or injured by them. It may gratify the Board of Trade to know that the second officer is not worth a halfpenny, for this would be quite sufficient justification for taking from him all means of earning his livelihood for twelve months. Had he been sentenced to imprisonment he would be fed and clothed at

least. But is it requisite, or does the Board of Trade order the Court to examine into the pecuniary circumstances of those who are forced to appear before it, and is the administration of justice to depend upon the emptiness or fullness of the pocket of the so-called witnesses in these inquiries; or, as in the case of the *Norman*, can it be requisite for the Court itself closely to cross-examine a hunted down master as to the nature of the refreshment, to partake of which he may leave the bridge after many hours of channel work, and is any good obtained by learning that this consisted of beef tea and ship's biscuit. It is bad enough for a man to have to point out his own errors, but it is unnecessary that he should be badgered about such details. We will ask the Board of Trade to follow the example of bygone days—to inscribe maxims on its walls, and we suggest that in its Courts it should take from Cicero the following:—

Justitiæ partes sunt non violare homines: verecundiæ non offendere.

(Justice consists in doing no injury to men: decency in giving them no offence.)

For the present we cease to ask questions of the presiding officer, and to ask questions of a Board is to seek replies from an echoing rock; but we hope to have better success with men who have been reputed to possess sense. We ask the Assessors who signed this judgment if they really consider it a part of their duty to make inquiry into matters that have nothing to do with the questions put to them, and secondly, if they really mean to give it as their calm decision that the second officer "by his wilful and culpable conduct "has run down and sunk a vessel placing in "imminent peril the lives of all on board." When they see their judgment in print we think they will reconsider the statements to which they have set their hands. We shall have a few remarks to make to the Assessors as a body, but we must close this article by pointing out that this expensive

trial, beyond the infliction of a punishment that is either unjustly heavy or shamefully lenient, has resulted in the publication of

Strong language	...	...	...	Much
Unintelligible diagrams	...	...	...	Two
Assumptions	...	...	...	Four
Good arguments	...	...	...	None
New facts	...	...	...	None
Useful information	...	...	...	None
Public advantage	...	...	...	None

It may, perhaps, result in some good by placing the Board of Trade in this dilemma, if they do their duty to the public they must indict the second officer, "who by his wilful and " culpable conduct has run down and sunk a vessel. . . . " placing in imminent peril the lives of all on board," or if they dare not do this they ought, as the department to whom the protection of the Mercantile Marine is accorded, to reprimand the Court for the use of grossly unjustifiable language.

CORRESPONDENCE.

CERTIFICATES FOR THIRD OFFICERS.

To the Editor of the "British Merchant Service Journal."

DEAR SIR,—If I have not sent a sufficient amount to cover the expense of the magazine, kindly say so when you forward receipt; on the other hand should there be a small balance in my favour, put it in the charity box. You might also send me a copy of rules and forms of application for membership to the Shipmasters' Society in case I meet some who have up till then neglected their own interest, and the benefit of those who may not have been so fortunate. I am glad to see by

the Reports that the influence of the Shipmasters' Society is making itself felt in the proper quarter, and at the same time maintaining that dignity which belongs to one of the most responsible and honourable of the professions. I wish that you, or some qualified person, would stir up the responsibility of a third officer holding a higher grade certificate. As the law stands he has virtually none, consequently shipowners naturally issue orders to keep only two watches. Now I maintain, that with the noise of sailors, firemen, machinery, passengers dinning, and a thousand other matters, not the least of which is the excessive heat of the day, that it is a moral impossibility for an officer to get the amount of rest required to enable him to keep the vigilant watch necessary on a steamer's bridge while he is on duty every four hours. This then is the state of affairs in many sea going steamers which have four officers holding master's certificates at their command. One of these is a nobody, although he may have commanded the finest sailing or steamships afloat. The system is most pernicious in its effects, and causes the unacknowledged third mate to lose taste of himself and his occupation. He sees day after day and month after month pass without affording the gratification of being in charge. Generally speaking he relieves the officer on the bridge for meals, and for want of confidence in himself incurs all the chances of accident incident to a whole voyage in one small half hour. Were the third mate with a higher grade certificate recognised by the law, he would cost the owners no more than he does at present, and I feel certain that the number of accidents by stranding and collision would be reduced to an extent not even dreamed of by the most sanguine underwriter, shipowner or philanthropist.

There is another subject I should like to draw attention to, and that is the effect of the helm of a steamer going full speed when it is put say hard a port, for something close by then suddenly stopped and reversed *instantaneously*. "Full

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speed astern." At that awful moment of suspense I am fully convinced she will come to port, and rush furiously (never having slackened her speed an iota) right smash into what we most wished to avoid. I am prepared to give proof that I have found such to be the case in one steamer having a left-handed propeller and two with right-handed. Laying down a barrel on a smooth day in the Bay of Bengal full speed astern from full speed ahead with the helm "hard a port" brought the ship to port! Full speed astern from full speed ahead, and hard a starboard at the moment the engine went over the centre astern, made her swing 35° to starboard before fetching stern way.

Feeling this to be true, and judging it to have been the cause of many a collision, yet as the law stands I would hesitate to starboard where port, according to our judges, should be the order, I can, if necessary, give three actual collisions caused (in my estimation) by reversing the engine without moving the helm.

I am, dear Sir, &c.,

JOHN BAIN.

Glasgow, 18th July, 1881.

LAY WORK IN THE MERCHANT SERVICE.

To the Editor of the "British Merchant Service Journal."

SIR,—It struck me very forcibly, on reading a letter which appeared in your March number for this year on "Lay Work in the Merchant Service," that one of the best and most practicable means of raising the standard not only of the officers but of the men also, had been passed over. Your correspondent, "B. D.," in your June issue, strikes the key-note of the whole matter when he says the foundation stone for all improvements is shipowners permitting shipmasters to take their wives to sea.

In making the hard rule that captains shall not take their

wives, I am certain from experience that shipowners make a great mistake—nay, do a wrong to themselves as well as to the masters. It is certain a much better class of men would be obtained as officers, if they could look forward at some time to have their homes with them. Captains get severely blamed, and in some cases rightly, for their intemperance, improvidence, and other bad habits, but do those who reap so much benefit from their exertions do anything to remove the causes of these. As to intemperance, many are men of keen affections, and to blunt the edge of their feelings and forget if possible their sorrow they take a little and a little more spirits or wine, as the case may be, till gradually the easily acquired habit gains strength and becomes unconquerable, resulting in the loss of many a noble ship and valuable life. Then again, man is a social being, and as he is compelled to live without society for three or even four months at a time, as it often happens with sailing vessels, he needs it all the more on his arrival in port; but he is there for such short and irregular periods, and we as a people are so conservative in our ways, that in very few instances does he ever fall into a good circle of friends. What is the result? The social instincts of his nature demands society and from mere lack of anything better, this in the majority of cases, he sinks into the only kind that is open to him to the utter demoralisation of his better nature, unfitting him to properly fulfil his duties to his owners and to those committed to his care, and causing the very name of merchant captain to be almost a term of reproach. Now, if a man had his wife with him he would not be thrown so much on the outside world for society, and the friends he did make would be of a very different stamp. Surrounded thus by refining instead of degrading elements his influence on those under him would be for good and not for evil as it is in too many cases.

Why a man who has so much entrusted to his care should be considered better able to fulfil his duties if kept away as

much as possible from the elevating and humanising influences of home, from all that strengthens and ennobles his character and better fits him to fight the hard and weary battle of life as God intended, it is difficult to imagine. Is it for any good reason that he is thus debarred from all the comforts and enjoyments of home life, which would in no way retard or hinder the fulfilment of his duties? No, but because a few have abused the privilege given them the whole are condemned. Have not shipowners always it in their power to refuse to grant this privilege again, if they see or hear it is wrongly used; but in how few instances would this happen?

If I could wield the pen more ably, I could say so much against this cruel, this iniquitous rule, for I can speak from what I know and have seen, but I have trespassed too long already on your valuable space, and I can only hope that this poor effort of mine may rouse someone better fitted for the task to take up this—may I not call it—burning question to so large and influential a body as the masters and officers of the Mercantile Marine, and, through their personal influence, a subject affecting the whole shipping community.

In conclusion, I would appeal to shipowners to give this subject their careful reconsideration. I would ask them, as they themselves value the dear happiness of home—nay, to put it upon far higher grounds—as Christians interested in the welfare of their fellow-men, and with better and nobler aims than the mere accumulation of wealth, to do unto others as they would have others do unto them, and to grant this boon, justly claimed by men who earn that wealth for them amidst difficulties, dangers, and privations, and often at the hazard of their lives.

I am, Sir, yours obediently,

J. P.

UNSKILLFUL NAVIGATION.

To the Editor of the "British Merchant Service Journal."

DEAR SIR,—It is with pleasure I read your Journals. In steam we have but little time at home, and consequently receive two or three numbers together, which I generally read at sea.

I have been much struck with an article headed "Unskillful Navigation." I admire the writer's ideas, but I should much like to see him bring these problems of his into practice at sea. For instance, I will put him on the bridge of a steamship, say 2,000 tons, steams 10 knots, and in every way well found and fitted for a voyage, say from Cardiff through the Suez Canal to India. He sails from Cardiff in the morning, has fine weather until he gets as far down as Hartland Point and Lundy Island, between which is his course. It now begins to come on thick with small rain, wind increasing from S.S.W., the land soon is obscured. His course now is between the Lands End and Scilly Islands. Night is closing in, no sun, stars or moon to be seen. What is he now going to do? Where are his problems in Euclid, cross-bearings or anything else. Is he going to stop for daylight? which in nine cases out of ten is thicker than night time, or is he going to run his ship outside the Scilly Islands, a distance of 40 to 50 miles out of his course, and then not know where he is? I fear if he were to stop for daylight (at the present day) his owners would soon find another master for their ship. If he went outside the owners would also ask the question, and very justly too, what brought you 40 to 50 miles out of your course.

Navigation is plain and simple, and a man who has got experience, good nerve, and proper caution, requires nothing more than the simple 4-point bearing in clear weather, and, if possible, to be a little more careful with the three L's in thick weather, and he can hardly go wrong, except by collision in fogs, which may happen to the very best of us.

Nothing is easier than a man sitting by his fireside at home and drawing out problems to inform us what we ought to do and what we ought not to do ; but I should like to put these clever men on the bridge of a steamer a dark winter's night with blinding rain and sea, driving down channel from eight to ten knots an hour, and then see if these problems would be of any use. I know and perfectly understand his meaning, but when does a merchant steamer or ship go surveying?

I have had the honour of commanding steamships for 19 years, and thank God I have gone clear through fine and foul weather with simple care and attention to simple navigation, the use of the 4-point bearings, and, best of all, the three L's.

I am, Dear Sir, yours obediently,

C. B.

To the Editor of the "British Merchant Service Journal."

SIR,—Reading with care your interesting number for July, I was pleased to note on page 334 in the letter from the office of the Wreck Commissioner that the learned gentleman now follows the practice of the Judicial Committee of the Privy Council, and does not permit the notes of his judgments to be published until he has carefully corrected them. Knowing how hasty have been some of his judgments, especially in cases where the conduct of owners has been impugned, I was glad to think that he had at length taken as his guide Horace's advice :—

"Sæpe stilum vertas, iterum qua digna legi sint scripturus."
(Be frequent in thy corrections, if thou intendest to write what shall be worthy of a second perusal),

For then it would no longer be possible to describe them as is often done,

"Nil fuit unquam, tam dispor sibi" (Made up of nought but inconsistencies).

But reading further on I found ample cause to change my

opinion. Horace's advice must have been thrown to the winds in the case of the *Engadine*, which has evidently been indicted in acceptance of the challenge:—"Accipe si vis" rendered by Creech thus:—

Here's pen and ink, and time, and place; let's try
Who can write most, and fastest, you or I.

Yours truly,

A SHIPOWNER IN THE GRAIN TRADE.

PUBLIC INTEREST IN THE MERCANTILE MARINE.

LAST month one of the daily papers devoting six lines to a notice of the annual dinner of the Trinity House Corporation stated that the proceedings were of no public interest. The same paper came out the next day with a leading article, the writer of which must have suffered from indigestion or from a surfeit, for he wrote of it that all was pomposity, vulgarity, superfluity, and waste, too much to eat, too much to drink, too many speeches, too many replies—the whole thing a weariness and vexation without one redeeming feature to be found in the entertainment.

Whether he is correct in regard to the greater part of the proceedings as reported in the *Times* does not concern us. We are well aware that topics bearing on our Mercantile Marine interests do not meet the attention they merit; but in this particular instance there were several points of interest mentioned—the new Eddystone Lighthouse, which will give a flash in power of nearly half-a-million candles, the use of electric lights, the use of compressed gas for buoy lights, and the question of the revision of the rates of pilotage, the Elder Brethren having under consideration a proposal

to substitute a scale of tonnage in lieu of draught of water. This last subject is one on which our readers may feel inclined to favour us with their views.

At the dinner, Sir W. Harcourt, in responding to the toast to the health of Her Majesty's Government, said that "no doubt the English people had great sympathy with navigators, whether by sea or land." If he used the word "navigator" as "one who directs the course of a ship" he is perfectly correct in declaring that the English people have great sympathy with them "at sea," but the sympathy on "land" as exemplified by the subordinate, *i.e.*, Board of Trade department of his own office, consists in subjecting them to treatment that is considered too bad for the worst of criminals against property. If he will endeavour to manifest that sympathy in a practical manner, we suggest that he revise the system of inquiry into shipping casualties and follow the only wise and just course—abolish the Wreck Commissioner and his Court. When this dead-weight is removed by a judicious addition to the pension list, the Home Office will be in a fit position to do justice to the men of the Mercantile Marine.

THE gentleman designated by the Wreck Commissioner during the inquiry into the stranding of the s.s. *Engadine* as "a mere Consul," is Harry T. A. Rainalds, Esq., who is well known for his experience in matters relating to shipping investigations, and who, although considered "a mere Consul," is now the worthy representative of H.B.M. at Brest.

*Manners maketh the Man,
Quoth William of Wapkeham.*

T H E
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ARE RIGHT AND PROPER COURSES SET AND
STEERED BY THE ASSESSORS?

IT is not pleasant to feel obliged to remark upon the manner in which public officials perform their duty; it is more painful to be obliged to animadvert upon those who may be described as of our kith, and it requires great pressure to induce us to write plainly to those of our kin who have been selected out of the Mercantile Marine to sit as Assessors in Courts of Inquiry. Some time ago we felt called upon to express strong opinions with reference to the course pursued by some gentlemen of another class, but having said our say we left the subject alone, feeling sure that in the particular point in question matters would right themselves.

We at that time cordially and earnestly endorsed the opinions of those gentlemen, with whom we were at variance, as to the absolute necessity of insuring that the Assessors should be an integral portion of the Court, that they should not be made to appear responsible for opinions and judgments with which in real fact they had nothing to do. We also urged that the judgments of the Court should be written and should be signed before being delivered in Court instead of being delivered on the spur and heat of the moment by the presiding officer who rarely if ever consults those who sit with

him, though they are, we must remark, as much members of the Court as he himself is. In point of fact, the Assessors are intended to be the Court in all matters of navigation and practical seamanship, instead of being as they are treated we regret to say, in the Wreck Commissioner's Court, as so many ornamental excrescences.

It is not however with the Court itself that we are at this moment engaged. We purpose to speak plainly, honestly, and we hope courteously to the Assessors of all classes, and we trust that as they read our remarks they will feel as we feel, actuated by a sincere desire for the permanent welfare of the Mercantile Marine, that they will join with us in striving to secure justice to its members, and that they will see how much lies in their power to help their brother sailors, and how easy it is to insure success if they will do the duty for which they are appointed, and will show the natural independence of spirit that should justify the selection made of them for the posts they hold.

For a long time we attacked the system of Courts of Inquiry as a system only, hoping that our remarks would catch the eye of those who conduct it, and who might so easily reform it. Our efforts have met with earnest approbation and genuine commendation. We have been encouraged by the support of the service, and have been backed up by that portion of the press which watches over maritime matters, but no visible good has as yet resulted, the cases for inquiry are still selected in the same incomprehensible manner, very much at haphazard, and with no apparent aim beyond the punishment of someone, and the filling up of a return of the number of certificates dealt with.

We have exposed the farcical judgments that are published, we have shown how they are manipulated after they are delivered in Court, which is the only legal publication of them, and we have published some opinions on these Courts as uttered by judges, barristers, solicitors, and others.

We now purpose to address ourselves to the Assessors. We ask them why they put their names to reports and judgments that no sailor with any regard to his reputation as a practical man can approve. We take it for granted they do so sign as their names are printed, but we doubt if in all cases their names are signed at or near the time they are issued. They must know that to sign these documents is not a mere perfunctory action, a kind of receipt in anticipation for fees and expenses, or an action that should be done without consideration. They know they are, according to the statute, nominated in cases where nautical skill and practical experience are required, to see justice done to officers by bringing to the administration of the law the technical knowledge of their profession and the practical experience of the duties as well as the difficulties of men in the service which cannot possibly be expected from a landsman, they also know that they must either signify their concurrence in the Report by signing it or notify their dissent, with the reasons therefor, in writing to the Board of Trade.

They are thus legally and morally, as well as in the eyes of the public, personally and individually responsible for the judgments to which they set their signature. We think their apologists act a shabby part towards them by urging that they have nothing to do with the proceedings or the judgment, that they cannot ask questions or take any part, that the papers and charts are not shown to them, and that all they have to do is to sit still merely to constitute a legal quorum. If, as seems admitted for them, they have nothing to do with the judgment, why do they sign it? If they do sign it they undeniably do adopt it as their own opinion and decision, and they must answer for it. Yet there is no doubt that in one important Court they do not only make the Court, but they write the judgments and, therefore, there can be no valid excuse for their being mute in other Courts.

We can make some allowance for the Assessors of the Mercantile Marine, it is not easy for a class, hitherto most carefully kept in the background, suddenly to take up an independent position while their fellow Assessors of the sister service are content to accept so inglorious a rôle. There must be in all Courts a recognised head, but this is no more than a temporary precedence, each judge preserves his independence of opinion, and notifies it in each case, irrespective of the opinion of the president. No judge would allow the head of his Court to issue as a joint judgment his own views only, nor would one of them feel it incumbent to sign his name to a judgment he did not cordially approve. The judgment of any Court that secures the respect of the public is at least the judgment of the majority of the Court, and is never the individual opinion of the president.

We could quote many cases in which Assessors are made responsible for opinions that, to use the expression of one of these Courts, "*cut it too fine.*" Do they hold the opinion put into their mouths in the *Benin* and *Duke of Buccleuch* regarding the suspension of masters' certificates? Do they really think that officers ever have "even, constructively, authority from "the master and owners to commit so wilful and culpable an "act," as purposely to run down another vessel to the imminent danger of many lives. They have been made to agree that owners can calmly stand to win upon the loss of vessels and lives, that a master can navigate a vessel with safety for twenty-two years more by good luck than by good seamanship, they . . . but we cannot give space to all the eccentricities, to use the mildest of terms, that are published as the sayings of the wise men of the sea.

We are ready to give space in our columns for any justification that can be alleged for the course pursued by these gentlemen. We think they do not see the full effect of their self-sacrifice or the evil consequence of what is tantamount to self-immolation. The opinion is steadily gaining

ground that, at least in one Court, their presence is a useless addition to the expense of the system, and that so long as they take no part in checking, setting right, and controlling the Court in points of seamanship and navigation they are giving strong support to those who urge that the Courts should be abolished. We can tell them that we are the smallest of those who are keenly watching every slip or mistake made so that such a strong indictment shall be framed as shall sweep the system away. They have the right, and it is their duty to claim the office of preparing these judgments so far as nautical questions are concerned. The Assessors, when sitting in the Liverpool Court, write the Annex to the Report, the result is that little objection is ever taken to the judgments of that Court, the Reports are concise and clear, sufficient for the purpose, and almost invariably devoid of cause of offence to the feelings of those appearing, and above all, they do not give rise to the angry ridicule that is evoked by the perusal of judgments in some of the other Courts.

We trust the Assessors will note the judgment of the Admiralty Court in the Appeal of the *Kestrel*. The Counsel for the Board of Trade in objecting to the reception of evidence of the course ordinarily set by masters, said: "It was a question for the Nautical Assessors as to whether what was done by the captain as to the course he took was a proper one or not." Thus the Board of Trade holds that questions of navigation are the province of the Nautical Assessors only. We hope they will remember this and will act upon the knowledge that they are responsible on these points and for the language in which their opinion is expressed; they should therefore insist that the judgments be written *before* being delivered in Court. The practice of the Admiralty Court is thus stated by the learned Judge, "We have the advantage of skilled Assessors, who are experts, and they give in their judgment upon this matter. . . . We must rely upon the judgment of our Assessors."

In justice to themselves, to the reputation they have earned as sound practical navigators, to the respect they must desire to possess of their compeers and associates, and to their credit as men possessing reasoning faculties, we urge them to assert their proper position to insist that the judgments shall be signed before they are delivered in Court and further that they shall frame them.

THE WELFARE OF THE SHIPMASTERS' SOCIETY.

I WISH in this paper to write upon a subject that demands our serious attention, and something more than a passing remark; it is one in which every member of the Shipmasters' Society is personally interested; and not only so, but affects those who from some cause refuse to join us, though they may think that the progress or the reverse of this Association is no concern of theirs. I need not revert to the cause of the founding of the Shipmasters' Society in London; that is well known to all. It is to prevent such occurrences in future should they arise, that demands most imperatively our existence and progress; also to watch the interest of the masters of the Mercantile Marine in this city, who from their employment and absence from England for many months cannot attend to themselves. I have been waiting to see if someone more competent than myself would take up this subject and write a paper upon it for the Journal. Perhaps before the next issue of the Journal someone will come forward with such a paper; in that case I shall very willingly consign this to the waste-paper basket; failing such a paper, I trust you will pardon me in bringing this subject before you in my own words. I may say things that will be considered harsh, if so excuse it, it is my wish

for the prosperity of the Shipmasters' Society, and my earnest desire to stir up my brother shipmasters who are afloat to what I consider, and indeed are, their best interests, to show them however inefficiently it may be the position they ought to take up, and what may be the consequences of their apathy and indifference to those interests. With these remarks I will now commence my subject, which is, "The welfare of the Shipmasters' Society of London; its continuance, and whether we are to be a vital power, or drag on a miserable existence without power to properly protect our members from injustice and oppression."

I shall divide my subject into four heads, and make each as short as possible.

First, the non-payment of subscription by members. I am aware there are members who are or have been in arrears, who have not been, and probably are still, not in a position from want of employment to pay up. We can, understanding the vicissitudes and far too often precarious employment of masters in the Mercantile Marine, make every allowance for them; they will pay when they are in funds, they have our earnest sympathy, and with a hearty wish that they may be more fortunate in future. It is not with these men that I find fault, but with men who are in command and comparatively well off, and members of this Society. There are men in this position who are most shamefully in arrears, and not only so, but systematically ignore all applications from the Secretary for payment, or send him disagreeable if no worse letters, or tell him to take their names off the list. There was at our late annual audit of accounts great arrears of subscriptions under this head. I ask, how can this Society prosper as it should when such is the case? I venture to say there is hardly a single society to be found in the length and breadth of the land whose members act in the way these men are doing. How can this Society properly protect and assist its members fight their cause, should assistance be required, when such

is the case. Money must be forthcoming to do this, as the costs of protecting a master mariner from injustice and hard decisions in the Wreck Commissioner's Court, are very burdensome to the richest among us and to a poor man ruinous; and are made as vexatious and extravagant as possible. I believe these expenses, with common sense and practical men alone to decide, might be reduced to a minimum, and not entail one quarter of the expense. I cannot understand men voluntarily joining a society, and then ignoring the responsibility they have undertaken. It seems to me to be utterly unworthy of any man to act in this way. I am afraid nothing I can write will rouse them to act more in conformity with men who undertake responsibilities and carry out their engagements. There can be but one opinion of such conduct.

Secondly, the absolute refusal of very many of our brother shipmasters to join us. They ask, "What shall we gain by so doing?" I answer much, very much; if not individual profit, surely it should be enough to induce a master or mate to join for the cloth and for those who may require counsel and assistance in their need. Who knows when his time may come? No man carries in his pocket an immunity from accident. Who can say on a dark and stormy night in the channel, I shall not meet with any accident before daylight? The fact that on going up or down channel in this or any weather, the master of a sailing ship or steamer never leaves the deck until daylight, proves the fallacy of the argument. The idea that because I have never met with an accident I never shall, is absurd, and only a remark that might be expected from a lunatic; but the remark has been made, with a moment's consideration it would never have been uttered. Again, some say I have left the sea and consequently have no fear of a collision or wreck, and therefore the Society is useless to me. I ask those in this position what can they be thinking of to make so selfish a speech? You have made your money at sea and are independent, or have some

good position on shore ; so much the better for you. But have you no *esprit de corps*, no feeling or desire to assist and protect those who are liable to the casualty or accident, that you in your past life have so often dreaded, and know that these will occur in spite of all caution or precaution against them ? I say out upon such selfishness, stamp it out and join at once, and show that though retired from the sea you still have at heart the welfare of those afloat, that no selfishness or mercenary motive has any resting place in the heart of a British sailor. I say to those who are afloat and holding aloof from us, you do not realise what you are doing and what the result may be to you individually. Again, some say, " The Society is doing nothing for the Mercantile Marine." I ask you, have you taken the trouble to inquire what has been done in the past, which is an earnest of what will be done in the future ? Do you read the Journal for the information you require ? If not, how can you constitute yourself a judge upon a subject upon which you do not take the trouble to acquire even the rudiments ? I affirm without fear of contradiction that if you will do this you must come to the conclusion that this Society is not the useless thing you have imagined it. Brother shipmasters who refuse to pay up arrears of subscription and who refuse to join us, pay up and join, if not for individual benefit, for the benefit of all concerned.

Thirdly, the aim of this Society. In the first place, I take it to be to raise the master mariner in the eyes of the public, and to take his proper position which has in a great measure been lost, taking the amount of theoretical and practical knowledge of his profession that is required of him, the vast amount of property committed to his charge, the many thousands of lives daily entrusted to his care and vigilance, he stands alone, no other body of men have such demands and responsibilities thrust upon them, and who are thought so little of and who receive so little consideration ; it is because the masters and officers do not join together as one

man and make themselves heard. The next aim of this Society is to watch every alteration in the laws connected with shipping, any act that may prove detrimental to the interests of the master mariner, and in conjunction with kindred societies prevent them from becoming law. What would have been the consequence had that iniquitous clause with reference to lights and look-out at sea become law? It would have rendered your position unbearable, and placed you in the hands of any discontented member of your crew, but for these societies and their opposition this clause would have passed. I say nothing more worthy of execration was ever meditated by law-makers, that any man could have been found to frame such a diabolically penal statute against the master mariner is almost beyond belief and reason; the only excuse for them that I can see is that they did not know what they were doing. What guarantee have we that this clause or some other equally penal shall not be tried again? This one clause alone would render the existence of these societies imperatively necessary. Every new Act, amendment, change, or alteration touching the Mercantile Marine of this country must be watched with jealous care, not so much as that the men who frame the laws wilfully do wrong, but that they do wrong from not knowing how to do right. You would not ask a tailor to make a fire-engine, or a shoemaker to construct a locomotive; in the name of common sense have practical men to frame laws for the Mercantile Marine, not lawyers and yachtsmen! Again, this Society seeks to aid the master mariner when in a difficulty from casualty or wreck, both by advice and pecuniary assistance. How much this advice and assistance is required, those alone know the extent who have required it. There are other objects which have been brought under notice from time to time in the Journal, to which I refer you, as it would too much lengthen this paper to enumerate and discuss them. Subscribe to the Journal; sixpence per

month cannot hurt you, and those who do this will speedily come to the conclusion that this Society is not the useless thing they have hitherto supposed it to be. Another object of this Society is to put the Courts of Inquiry on a proper footing, that these Courts may be Courts of Justice—not of Oppression; that those who sit to judge nautical matters shall be nautical men, well understanding their profession, and capable of giving a true and satisfactory verdict; not left to one who, whatever his abilities may be in another sphere, knows absolutely nothing of nautical matters, and whose judgment is most frequently wrong, and whose ideas upon ships and nautical matters is a jumble, and have so mixed up iron ships and coppered bottoms, double-well-decks and stability, serving out lime juice and time by chronometer, as to puzzle any ordinary mind to know how he managed to do it. But this subject has been treated in a masterly manner by the Editor of the Journal, therefore it is unnecessary for me to enlarge upon it in this paper, but this I do say, that it is high time this Court of Inquiry at Westminster was remodelled, the situation of Wreck Commissioner as it now stands done away with; that practical men, and these alone, should decide upon each case on its merits; do away with the unheard of injustice and tyranny of compelling the master to give evidence upon oath before the Receiver of Wrecks, and then upon that information the solicitor of the Board of Trade frames his indictment against him from his own evidence, extorted from him by a paid agent of the Government. These societies alone can do away with these abuses, but all must join and strengthen their hands. I am not going to enter into the subject of what these Courts of Inquiry should be, that can be quickly decided by practical men, and them only; the present state is a disgrace to the country, and presses hardly upon a body of men who deserve better treatment. The men that sit to judge nautical cases must not be dummies like the Assessors of to-day.

Fourthly, the consequence if this Society comes to the ground. It will be an everlasting disgrace to the master mariners of the port of London if this should be so, but with the members we already have and are coming in, I do not fear such a catastrophe; but what is wanted is, instead of 500 members we ought to have enrolled 5,000; while so few join the means of doing good are next to nothing. Is it to be thought possible that kindred societies in Liverpool, Hull, Sunderland, and other places, are far beyond the London Shipmasters' Society in point of numbers, and infinitely better off in funds. What are the London shipmasters thinking of to allow such to be the case? The consequence of a collapse in this Society would be that there would be no place of meeting in London to discuss subjects that most affect the Mercantile Marine; no assistance for a master mariner before a Court of Inquiry; no society in London to combine with others in stopping any law, amendment, or clause in law relating to seamen that might prove detrimental to their interests. The Court of Inquiry, or rather the inquisition at Westminster would ride rough shod over any unfortunate master that came before it; the Receiver of Wrecks will continue to have full swing, and compel the master on oath to criminate himself; the Board of Trade will continue to frame its indictment in a manner from the evidence extorted that must have the master on one count or the other, perhaps on three or four; the Wreck Commissioner will continue to play his little game, and blunder as much as possible; the Nautical Assessors will continue dummies; the unfortunate master find himself condemned by information extorted from him, his certificate suspended or cancelled without appeal—no means of redress. It is useless for anyone to say this state of things is not likely, it has been the case, is now, and would culminate in all that I have stated but that there is a Shipmasters' Society in London to watch every trial and take a shorthand account.

While this is the case, care will be taken to keep within the law ; the law must be altered ; that only by uniting that we can expect to get the alteration. Unity is strength. I advocate no trades' union. We are a body of men who from education and numbers should, if all were alive to the fact, take a position in this country second to none, but we must be unanimous. The shipowners stand aloof because they see this is not the case ; perhaps they consider it not their interest. They, the masters, should be unanimous, and know their power. There may be very much truth in this, because they do not and will not consider the two interests identical. How is this Society to take a leading position in London and in all that concerns the Mercantile Marine when the numbers are so few, arrears of subscription so great, and the balance at the bankers so insignificant ? What is the cause of the unwillingness of masters to join this Society ? What is the cause of the apathy shown by them to their interests ? I am at a loss to give a reason. I say with concern, but all know it to be a fact, " That the position of the master mariner is not what it should be and not what it might be." And whose fault is it ? His own. If a man will not see what he is, what he might be if he choose, I know of no power on earth that can make him. It is a lamentable fact that there is no thorough and complete union among masters and officers in the Merchant Service. I believe we are alone in this position ; as long as this is so, the public will care little about the master mariner, the owner will not see in them a power that must be respected, and all other evils follow in their wake. The master mariner will, in time to come, find himself burdened by law that will render him powerless and his position unendurable, his pay cut down to a starvation pittance, and himself no more thought of than a boy ; the servant of his crew instead of their master, and why, because there is no unity among them, because this and kindred

societies are not supported as they ought to be. All ought to join one society or the other, all societies should join for mutual support, then when all belong to the societies and all the societies join as one by their delegates, then the time has come when the collective voice of the master mariners and officer of the Mercantile Marine, speaking through their delegates, must and shall be heard by the Government; their numbers will enforce attention, their unanimity will demand respect, and the funds at their command will be ample. Brother shipmasters and officers join these societies. Those in London join the Shipmasters' Society in London, make the subject one of vital and personal importance. You can be a power in the land, then why not be so.

SCRIPTUM EST.

WHAT THE ASSESSORS SAY.

“**A** MORE gross and culpable case has seldom come before this Court. Here is a man who by his wilful and culpable conduct has run down and sunk a vessel, worth, we are told, with her cargo, £140,000, not one halfpenny of which is he able to make good, and at the same time placing in imminent peril the lives of all on board. Officers of merchant vessels no doubt think that they are very hardly treated in having their certificates suspended, and being thus deprived of earning their livelihood except in an inferior capacity. They should remember, however, that if the same amount of recklessness were exhibited on land, and loss of life ensued therefrom, not only would they lose their situations, but they would in all probability have to undergo a long term of imprisonment. We think that, under all the circumstances, this man's certificate should be suspended for a year, and we have great doubt whether we ought not to cancel it altogether.”

It is unnecessary to say in which Court such language can alone be heard, but we desire to point out to the Mercantile Marine Service that the Assessors who hold such views of their brother officers and who wrote thereunder "We concur" are,

R. ASHMORE POWELL, THOS. BEASLEY, GEORGE HYDE,	}	Assessors.
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JUDGMENTS IN THE WRECK COURTS.

MUCH as we should like to see the judgments in the Wreck Court reduced in bulk, written in a less verbose and argumentative style and freed from all offensive personal remarks that have little to do with the points to be decided, we feel bound to object to the opinion set forward by the Board of Trade through its Counsel in the *Kestrel* appeal case, that the Court by the statute need only give a decision and that the decision may be limited to a simple finding that the master has been guilty of wrongful acts and defaults for which his certificate is suspended. The Judge of the Admiralty Court said on this, "It seems to me that it "would be a great hardship upon the master if the decision "were limited to a simple finding that he had been guilty of "wrongful acts and defaults for which his certificate was "suspended." In the Wreck Court it would be more than a hardship, it would be a cruel injustice for the findings are rarely those of the Assessors, and it would completely block every appeal. It would be impossible for a master to prove that he had not committed, during a long voyage, some wrongful act or default, so long as the word "wrongful" is interpreted in the loose manner it is. It is time that a full legal definition of "wrongful act or default" be given, but it may be years before the Court of Appeal will be obliged

to give one. The tendency of every Court of Appeal is to uphold if possible the decision of the inferior Court and to find reasons to do so without going into any question of principle or entering into any definitions or settling any abstract point.* How hard would be the confining the decision to a simple finding for which no reasons are to be given needs no proof. It would render all appeal impossible. Every difficulty is already thrown in the way by the Wreck Commissioner when a master desires to appeal, and unfortunately the recent decision of the Court of Appeal supports him though we do not think the judges fully understood the state of affairs nor the style of the so-called judgments. To substantiate our averments; in the case of the *Kestrel*, the Wreck Commissioner gave one of his florid *viva voce* judgments in open Court (the only legal publication thereof, for the law lays it down that where the certificate of the master is suspended the decision shall be given in open Court). On the notes taken of this judgment the master decided to appeal, and to frame the appeal in proper form on the Official Report he applied for a copy of the shorthand writer's notes. We may as well, in passing, point out that these notes are taken at the expense of the country, and are certainly not the private property of the Wreck Commissioner, though he most unwarrantably has ordered the shorthand writer not to supply anyone with a copy. We pointed out, p. 332 of our July number, how totally opposed this course is to that followed by every Court of justice in the Kingdom. It cost this unfortunate master a considerable sum for correspondence in trying to force from the Wreck Commissioner a copy of the judgment; this was at length supplied, just in time to save the appeal,

* The point generally gone upon being whether, under the circumstances, the judgment appealed from is wrong and whether the appellant is right in what he did.

for the law only allows seven days in which a master may lodge it, but it materially differs from that delivered in Court. Had the master been unable to spend this large sum he would have been debarred his appeal. But we call upon the Government and the nation to insist that it shall not be in the power of a judge to stifle appeals from his Court by holding back the reports of his judgment until the time for lodging an appeal has so nearly expired that the wretched victim who has been forced to convict himself, is left without sufficient time to take legal advice as to the propriety of appealing. The Admiralty Court was appealed to, and counsel for the master said: "All we want is to see the reasons for the judgment, to assist our appeal. An appeal is granted by the Act of Parliament, and when we come to exercise the right of appeal it is hard that we should not have the reasons for the judgment." The judge in rejecting this request for a copy of the shorthand writer's notes of the judgment, said: "The 20th rule said that where the certificate of an officer is cancelled or suspended, the decision shall be given in open Court; but that did not mean, necessarily, to report the reasons for the decision. The judge might explain his reasons for his judgment, but he was under no obligation to do so. Suppose the judge had given some reasons, when delivering his oral judgment, which he had afterwards reason to think were not sound ones, and he was able to give other reasons for the conclusion he had arrived at, if there were an appeal, when the appeal came on the Court would have to determine on the evidence alone, with such assistance from the judge's report as it could get. The judge might have abandoned the bad reasons and given good ones, and the Court of Appeal would be guided by the good reasons." But would the Court have so ruled if they knew that on an appeal being based on the *viva voce* judgment, the master being put to heavy

expenses, he might find the ground of appeal almost reduced to nothing, because the judge has seen fit to so transmogrify the judgment as to render the reasons given in the printed judgment very different from those delivered in Court. Take the judgment in the *Engadine* case, as published in our July number; compare the delivered judgment and that submitted to the Board of Trade. What would the Appeal Court call the alterations? Would they think some of the reasons given not *sound ones*, and that the Commissioner was able to give other reasons for the conclusion he had arrived at? How is a man to fare who appeals on the fact among other grounds that in delivering the judgment in Court the Commissioner says, "*It is extremely difficult for us to say what may have been the cause of the stranding of this vessel,*" when he finds this carefully deleted in the published judgment issued after his appeal is lodged. To sanction a subsequent change of reasons for arriving at a conclusion may be very convenient to enable a judge to bolster up his opinions, but it says of itself that if this is often requisite, the decisions of the judge must certainly be as full of unsound conclusions as his judgment of unsound reasons. Is there another judge on the Bench who can say of his own judgments that the words fall from him or that inconvenience might sometimes arise if he were called upon to justify every passage of the report of a *viva voce* judgment which may appear in a newspaper or that he only considers himself responsible for judgments signed by him. Is there another judge who would rewrite a judgment such as we allude to, and has a judge yet been known in a judgment, which has been *carefully corrected* in accordance with the practice of the Judicial Committee of the Privy Council, to place a *witness*, who certainly was not present at the casualty, in actual command of the vessel or who in detailing the *facts* of the case shows that the vessel, for the stranding of which the master is punished, did not *stop* but *went clear* of the rocks.

We will however do the Commissioner the justice to say that he deleted the words "Such are the facts of the case," but this hardly justifies the indulgence of freaks of a vivid fancy in reporting the circumstances, and certainly does not show the careful correction claimed for the judgements which, being signed, are acknowledged, and responsibility for which is admitted.

NEGLECT OF DUTY.

ON Thursday, the 18th August, Mr. J. TALBOT asked the President of the Board of Trade whether any additional Rule as to Investigations in Shipping Casualties affecting the appointment of Nautical Assessors, had been made under the Merchant Shipping Act, 1876, and the Shipping Casualties Investigations Act, 1879; and if so, whether he would state the date of such Rule, its provisions, and the reasons for making it; and whether such Rule was laid before both Houses of Parliament within thirty days after the commencement of the next session after it was made, in accordance with the provisions 42 & 43 Vict., Chap. 72, section 4, and whether he had consulted the Law Officers of the Crown as to any effect which might have resulted from the omission to comply with the Statute in this matter. Mr. CHAMBERLAIN said a new Rule affecting the appointment of Nautical Assessors for Inquiries into Shipping Casualties under the Acts of 1876 and 1879 came into operation on October 30, 1880. It was sanctioned by the Lord Chancellor to correct an illegality which had been discovered in previous Rules. The new Rule had not been presented to Parliament owing to a misunderstanding between the Home Office and the Board of Trade, each of whom thought

the other had laid it on the table. He would take care to lay it on the table forthwith, and he would consult the Law Officers as to how far the failure had affected the legality of what had been done under the Acts referred to.

Shipmasters' Society, 60, Fenchurch Street, E.C.,
19th August, 1881.

Assistant-Secretary, Marine Department, Board of Trade.

SIR,—I am directed by the Committee of the Shipmasters' Society to forward a list of Official Inquiries conducted by Assessors appointed under a new Rule, dated the 30th October, 1880.

This Rule has not been presented to the Houses of Parliament as required by the Statute, and as the President of the Board of Trade seems to have doubts of the legality of the judgments in these cases, I am to request that the Board of Trade will inform this Society if they purpose at once to return the certificates which are at present under suspension, viz., Nos. 959 and 1039, and further that they will be good enough to take into consideration the question of compensation to those gentlemen who in the following-mentioned cases have already suffered apparently illegal punishment, viz., Nos. 867, 894, 926, 940.

Further, I am directed to point out that although the certificate was not suspended in case No. 840, it would seem that the Court was entirely illegal in its composition, neither of the Assessors being qualified, and in case No. 865 neither Assessor had experience in the Merchant Service, infringing the provisions of the Merchant Shipping Act of 1854.

I have the honour to be, &c.,

B. F. CRAMER, Secretary.

OFFICIAL INQUIRIES CONDUCTED by Assessors who were appointed by the Lord Chancellor under a New Rule dated 30th October, 1880.

No. 840, *Enterprise*; No. 925, *Indian Chief*; No. 926, *Nymphæa*, s.s., Harris and Ronnaldson; No. 858, *Muriel*, s.s., Holt, I.N.; No. 865, *Druid*, White, R.N., Holt, I.N.; No. 867, *Goshawk*; No. 893, *John Zittlosen*; No. 940, *Norma*; No. 965, *Gardenia*, s.s.; No. 972, *Llama*, s.s.; No. 994, *James A. Harley*; No. 1012, *Jeannie*, s.s.; No. 1029, *Nautilus*, s.s., Harris; No. 869, *Charles*; No. 874, *Sir Walter*, s.s.; No. 993, *Day Spring*; No. 1021, *Glenaros*; No. 1022, *Mispah*, s.s.; No. 1027, *Culmore*, s.s., Burney, R.N.; No. 881, *Earl Percy*, s.s.; No. 894, *Express*, s.s.; No. 959, *Mary Stewart*; No. 1039, *Engadine*, s.s., Ronnaldson; No. 978, *Bavelaw*, Visconti, R.N.

THE ANOMALY OFFICE.

A-nomaly, a, not, -*nomos*, a law, or rule. A breach of law; a departure from established rules.

This word, composed of a negative prefix and a sound Greek word, itself defines the conduct of the Board of Trade in regard to its duties towards, and its treatment of, the Mercantile Marine—a breach of law, not indeed of the statutes passed through Parliament by the Board of Trade to enforce its own views, but of the Law as a moral science, a compulsive director of human duty, whose end is the accomplishment of justice, which justice is practical virtue. The design and object of all good laws being to ascertain what is just, honourable, and expedient that when discovered, it may be proclaimed as a general ordinance, equal and impartial to all. This is said to be the origin of Law which all are under an obligation to obey; and to live in conformity

therewith is laid down as the duty of every individual in the community.

The "ordinances proclaimed" as published in the many statutes which bear on the Mercantile Marine (including therein the builders, owners, officers, in fact everyone who has in any way to do with ships, ships' stores, sailors, even down to the marine store dealers and the keepers of the dolly shops), are the reverse of equal and impartial to all, nor are they just or expedient; honourable they may be for the framers thereof, all will admit, worked in the honest desire to do good, though from working without due consideration, or without full knowledge, they have done quite as much evil as good.

The Return, still incomplete, of all the Statutes bearing on the shipping interest, which has recently been issued in obedience to an order of the House of Commons made twelve months ago, conclusively shows how haphazard has been the erection of the legal fabric. The Statutes have evidently been framed to meet difficulties as they arose, without any attempt to harmonize them, or to make them conform to one another or to the general system of law, which should be just, equal, and impartial to all.

This haphazard legislation is fully equalled if not excelled by the superficial manner in which the Board of Trade treats all matters touching the Mercantile Marine. There is a want of due thoughtful attention to, and of careful consideration of, the consequences in all they do, as if the main object is to do no more than just enough to tide over the present trouble, and to gain a little breathing time for the officials.

The Board has too many subjects to attend to, its duties have outgrown the capacity of its chiefs, and its power is insufficient to keep pace with the work, hence each subject is slurred over (like an engine patched up to last a little longer), until it can be taken fully in hand, or until the public outcry forces attention to it. It is in truth an anomalous office. It is hard to say where its duties begin or end.

It has a Railway Department, a Marine, a Legal, an Agricultural, others for Emigration, for Sea Fisheries, Joint Stock Companies, Tramways, Standard Weights and Measures, and all these departments are under the direct control of the Permanent Secretary. It is too much to expect one man to give even a little attention to each of these departments; it is impossible for him, for any man of the greatest mental capacity and of the most untiring energy, to give a proper amount of consideration to one-half of the duties attaching to the office, and it is without the slightest disrespect to Mr. Farrer that we urge that the time has arrived to relegate some of these duties to another. Mr. Farrer needs no eulogium, his qualities are as widely known as his capacity for work, it is no fault of his that his office has been saddled with so many diverse duties that are beyond the power of one man to make himself equal to. It is hard for a good bureaucrat to give up any of his duties, it is harder for him to perceive that he may assume to do more than his strength warrants, and it is given to few to arrive at the wise decision that the duties can be better performed by a younger man or that at least he should accept assistance and so gradually withdraw. We think Mr. Farrer has too much to do. His office is an anomalous one, his duties are anomalous, and the general result of all his work is anomalous. It is clearly a "departure from established rules" for an office to combine so many distinctly different duties as are supposed to be carried out by the Board of Trade, his duties are as clearly "breaches of law" when they require him to direct what are undoubted prosecutions and yet enable him to revise the proceedings of his Courts by simply setting aside the judgments if he thinks fit to do so, while the results lead to breaches of the constitutional laws and perpetual departures from the established rules of English law and justice. We do not ascribe all the blame to Mr. Farrer for this, but he has been for so long a

time the ruling spirit of this anomaly office that practically the present state of the Mercantile Marine must be laid to his door, and we do not think he has much cause to be proud of some of his handiwork, more particularly of that special law which grinds down the officers of the Mercantile Marine in a manner that the legal mill grinds no other class of the community. This special law is in a great measure the original work of Mr. Farrer, the system which led to it is a modern one created in the haphazard style we have mentioned in order to smooth down difficulties as they arose. These difficulties had brought upon the Board onerous and disagreeable duties which the framers of the law desired to evade, but which have grown more decidedly onerous and responsible from the law being placed for execution in the hands of men whose want of mental balance has led them to believe that in pushing it to its extremest extent they have been proving to the world how great and learned they are, instead of showing that energy misapplied in the execution of unconstitutional functions leads to gross injustice and produces widespread discontent.

Very little experience will enable men to see the difficulties of drawing up a code of law on Merchant Shipping that shall be acceptable to all interests. One of the difficulties is to induce those concerned to be content to make the code in parts, to revise the present laws on one subject at a time, and not to gratify the vain desire of issuing the work as a whole. There need be no great difficulty in issuing that part which shall treat of the duties and responsibilities of master mariners and sailors, and which shall define the penalties to which they are to be liable. It is monstrous that a master must wade through at least 102 statutes if he desires to learn the laws that affect him. Many of these might easily be consolidated and brought more into conformity with the general law of the land, while the special law we have alluded to, should be at once abolished or

rendered, as the Board of Trade can easily do, of no effect. To evade or to get rid of this law and to bring the system of investigating shipping casualties into accord with constitutional procedure is a duty Mr. Farrer owes to his own reputation. The evidence he gave before the Royal Commission is sound enough, and no fault can be found in it, but his adoption of the inquisitorial inquiry and of repressive measures can we think be only ascribed to an influence that has led him into a course condemned by all and which is bringing his administration of the Mercantile Marine into great discredit. To support a zealous subordinate is very right so long as the bounds of moderation are not exceeded, but when theories and speculative views take the place of discretion in the zealous man's mind, it is time for the wise man to withdraw his support if he does not desire to take a portion of the opprobrium that must fall to the lot of those who forget that "We should be as careful of our words, as our actions; and as far from speaking as from doing ill."

THAMES NAUTICAL TRAINING COLLEGE,
H.M.S. "WORCESTER."

PRIZE day on the *Worcester*, on Saturday, July 30th, 1881, attracted as usual a large party of friends who were received by Captain J. H. Smith, Lieutenant R.N.R., and by the cadets of the *Worcester* manning yards, and after Mr. Sutherland (who was accompanied by Mrs. Sutherland) had inspected the ship, the prize meeting was held on the upper deck.

Sir. G. H. CHAMBERS said :—Ladies and gentlemen, cadets of the *Worcester*, the Committee meet you again on this

occasion with very great pleasure, because they are able to state truly that the half-year now closed has passed most successfully, and that Captain Smith, and Mr. Buck have both reported favourably of the conduct of the cadets on board, and of their application to their various studies. And another cause for satisfaction presents itself to my remembrance to day. When addressing the cadets, some time since, I referred to the cordial manner in which some Eton boys as they were once, but who had lived to the age of eighty years and upwards, had referred to their old school, and I expressed the hope that there would be found many among the *Worcester* boys who would cherish the same kindly memories of their time here. An illustration of this came under my notice when in November last I went to the West Indies. On my way out I found two old *Worcester* cadets on board the *Para*, one being second and the other third officer, and on my return in the *Don*, I had the pleasure of discovering that both the chief officer and the fifth had also been *Worcester* boys. (Cheers.) Just now, as we came down the river, we passed the *Taymouth Castle*, and on board that ship are two officers, the first and second, who were also *Worcester* boys. (Cheers.) It is a pleasure to me to refer to these facts, but there is another matter which I can mention with yet greater satisfaction. I have no ordinary pleasure in being able to announce to you that through the kindness of the First Lord of the Admiralty, the *Worcester* will receive a naval cadetship each year, and this would place us in the position of receiving the Annual gift of Her Majesty, £35 and a binocular glass to the boy who wins this cadetship towards the expenses of his outfit. (Cheers.) I think I should read to you the conditions under which this gift of Her Majesty is bestowed :—

HER MAJESTY THE QUEEN, with a view further to encourage boys in the *Worcester* School, to qualify themselves for the cadetships in the Navy, granted by the Admiralty, has been pleased to declare her intention of giving a prize annually to

the boys of the *Worcester*, who compete for cadetships in Her Majesty's service.

The following regulations will, by Her Majesty's command, be observed in awarding the prize, which will consist of a binocular glass, with a suitable inscription, and the sum of £35 towards the expense of the outfit of the boy:—

The prize will be open to all boys eligible to compete for the Naval cadetships given to the ship previously to the month of June in each year.

It shall be given to the boy who passes highest in the competition, provided that such boy passes his examination at Portsmouth, in the examination immediately succeeding such competition.

The name of the prize boy shall be annually inscribed upon the board containing the Queen's Prize List.

I am sure that we must all feel that this gift of Her Majesty is a most valuable one. (Cheers.) It is now generally recognised that our military volunteers form one of the most essential forces of the country, and I hope we shall find that in the Royal Naval Reserve we shall have a force which will help to maintain the Naval supremacy of the country. Under the new regulations we shall now have the power to place the cadets in our great Mercantile Steam Fleet.

The Report of Captain J. H. SMITH, Lieutenant, R.N.R., Commander of the *Worcester*, stated that since July, 1880, seventy-four boys had entered, and eighty had left, or are leaving this term. It gives him much pleasure and satisfaction to be able to report most favourably of the general good conduct of the boys during the past year. They, as a whole, have taken great interest in their work, and have shown as great a desire to learn the various branches of seamanship as on any previous year. On the 23rd inst., the boys were examined in seamanship, rule of the road, signals, heaving the lead, sail and topgallant yard drill, &c., after which they were assembled in the usual way, when the following

boys who had previously been selected by himself and Mr. Buck, head-master, were put up and voted for by their schoolfellows:—W. F. I. Faddy, J. H. D. Hazeland, T. S. T. Tregellas, H. H. Rimington, W. B. Phillips; when W. F. I. Faddy was chosen to be recommended for Her Majesty's Gold Medal, which gave general satisfaction. His conduct during his time on board has been most satisfactory. The following three boys were recommended to the Lords Commissioners of the Admiralty as midshipmen in the Royal Naval Reserve:—W. F. I. Faddy, H. H. Rimington, J. H. D. Hazeland. He much regretted that there are no appointments to the Hooghly Pilot Service this year, which is a great disappointment to many who are very wishful to enter. Several gentlemen connected with that service have recently visited the ship, and gave most satisfactory accounts of the *Worcester* cadets who have already been appointed.

Mr. R. C. BUCK, the head-master, stated that the promises of progress made in his last year's report consequent on the new school arrangements have been completely fulfilled. The Examiner, A. Escott, Esq., F.R.A.S., remarks that all former efforts have been surpassed, and that in the two leading subjects of tuition, viz., navigation and nautical astronomy he cannot hope for further advance.

At the close of the distribution of prizes,

Mr. THOMAS SUTHERLAND said: Before I sit down you will allow me to say a few words in reference to our proceedings to-day. I am particularly gratified in appearing before you to-day as the representative of the Peninsular and Oriental Company because they have had an extensive experience of officers who received their first training on board this vessel, and I am happy to be able to tell you that that experience has been at all times exceptionally good. I have often received this reply when asking questions as to the character of certain officers—and I have received the reply not

once or twice but several times—" Mr. So-and-so is an excellent officer—he was a *Worcester* boy." (Loud cheers.) And this has been said just as if there were in the speaker's mind and also in my own an inseparable connection between a training on board the *Worcester* and the future career of a smart officer. Well, when we come on board this vessel and see the splendid order and discipline maintained, when we observe and understand the magnificent training which is given to the cadets, a training which combines the highest qualities of a scholastic and of a technical education, and when we see also that the greatest possible efforts are made to instil the best principles into the minds of the youths who are brought up here, we can no longer wonder that there should be this apparently inevitable connexion between the character of the *Worcester* boy and the good officer. (Cheers.) I am glad to speak of my experience in that respect here to-day, and as that must have been the experience of many other shipowners in this country, they must be as gratified as I am myself in finding that our past experience of the boys trained here is likely to be more than borne out in the future; because we have heard to-day from Mr. Escott's report, the progress of the school is higher now than at any previous time. In navigation and nautical astronomy the same examiner has said that he could not hope to see better results. Now this is a fact which is not only a matter of pride so far as the boys are concerned, but it must also give the utmost satisfaction to their parents and friends and to their masters. But more than this, it is also a fact of the greatest importance to the well being of this country that the future officers of the Mercantile Marine of England should be efficiently trained. I believe there never was a time when the Mercantile Marine of this country stood at a higher point than now. (Cheers.) At the same time, let me also say, there was never a time when other nations were making more strenuous efforts to raise up a Commercial Navy that should success-

fully compete with the Commercial Navy of England. I do not think that there are any means which can better be employed to maintain the pre-eminence of the Mercantile Marine of this country, than to give the highest possible education to those who are coming forward to sustain its greatness by being its leaders and pillars. (Cheers.) But I cannot part from you my young friends to-day without saying to you a few words of counsel and encouragement. You are about to commence very shortly a life of honourable labour. You have chosen that profession which is of all others the most truly English calling; and you, in becoming sailors are therefore helping your country to fulfil her national destiny. I would remind you that while England owes her greatness in this respect to several causes, the chief among them is the character and reputation of her sailors. The sailors of England have ever been a brave, generous and an unflinching race of men, and I do trust that wherever you sail under the English flag, and especially when you are in the hour of danger that you will worthily maintain the reputation of English seamen. (Cheers.) I think you ought to be possessed with this sentiment—the poetry as I may call it of your profession, for without sentiment there can be no real enthusiasm, and without enthusiasm there can be no zeal. But though I think you ought to feel this enthusiasm, you must also bear in mind that you are entering upon this life of yours as a profession, and that you can never attain the success you wish to attain except by following the path of duty. It is hardly possible, I think, in any school in England for boys to obtain a better education than you are obtaining here. Remember that this good education will be required to develop more and more, for you will be required to advance with the Merchant Service of the country which is rapidly advancing in scientific attainments. Imagine yourselves in command of one of those two magnificent steamers

which have lately been launched, the *Servia* or the *City of Rome*, and examine the qualifications you must possess to entitle you to take the command of vessels of that class. I need hardly say you must be perfect seamen and navigators, and must understand also a great deal of engineering and the thousand appliances to be found on board these vessels which were not thought of a few years ago. You will have your ship lighted by electricity, steered by water power, and you will keep your provisions cool by compressed air—these among other things are subjects to which you must eventually give attention, and they really only form part of the education which you must carry on when you leave this ship. The captain of any vessel now to be an efficient man, must understand a great deal of the business of a merchant as well as knowing his own profession, and unless, above all, he is able to take his place at the table or on the quarter-deck as an accomplished gentleman he will find himself at a disadvantage. (Cheers.) I may with propriety call your attention again to those beautiful words with which I daresay you are all familiar, and which have been chosen by the Queen to indicate the character you should seek to attain, for if animated by the principles embodied in these words, you will not only be successful but happy. The words are those in connexion with the award of Her Majesty's Gold Medal:—"Her Majesty's wish is to encourage the boys to acquire and maintain the qualities which will make the finest sailor. These consist of cheerful submission to superiors, self respect, and independence of character, kindness and protection to the weak, readiness to forgive offence, desire to conciliate the differences of others, and above all, fearless devotion to duty and unflinching truthfulness." Gentlemen, I most earnestly commend these sentiments to your study, and years hence when you will have advanced to the top of your profession, and are in command of ships—I trust you will look back with satisfaction to the advantages which you

have gained, to the bright and happy days you spent on board the *Worcester*. (Loud Cheers.)

The Rev. Mr. MEYER said: Ladies and Gentlemen, and you good friends of my son Max. Hearing the name of my son so often mentioned to-day, you will allow me to express my deep gratitude to this Nautical College. I candidly confess that when my son first expressed a desire to go to sea, I did not like it; and when I sent him here, it was in the secret hope that the stay on board this ship would cure him of this juvenile whim. Every time, however, he came home his enthusiasm with regard to the sea was stronger, and I am bound to say, though I did not like it at first, he has made choice of a noble profession. (Cheers.) Now that enthusiasm could not have been instilled into him, unless they who conduct this College were filled with it themselves. I am glad to see that the education given here is not contented with imparting mental knowledge, but develops character and manliness, and that these are combined with strict regard for obedience and discipline. I consider it simply my duty to say thus much, and to bear my cordial testimony to the good which my son has derived from being a cadet of the *Worcester*. I am sure that parents who have sons on board will heartily join with me in this. (Loud cheers.)

Sir G. H. CHAMBERS said: It must have been a great gratification to all to hear the remarks of the last speaker, because when a parent speaks, as this gentleman has done in reference to the training of his son, we have sure grounds for believing that the *Worcester* is fulfilling the purpose for which it was intended. I am glad to know that there are many who have just the same feeling, and it strengthens our conviction that the *Worcester* will continue to do the work which it is so necessary should be well done. We are proposing to have in London—we hope in connection with the Shipmasters' Association—a room where our *Worcester* cadets can

meet and learn all about their profession and openings for employment. And now, I have a very pleasing duty to perform, I venture to say that we are exceedingly fortunate in having so experienced and able a gentleman as the Chairman of the Peninsular and Oriental Steam Navigation Company to come down to-day to distribute the prizes. (Cheers.) Cold indeed must be the heart that has not throbbed with satisfaction while listening to that excellent address which he has delivered. Our best thanks are due to Mr. Thomas Sutherland, and especially to Mrs. Sutherland for the kind and graceful manner in which she has performed her part in the business of the day.

Three ringing cheers were given in honour of Mr. and Mrs. Sutherland.

A REMARKABLE DISCREPANCY.

IN referring to the case of the s.s. *Garnet*, copy of the Report of which had been sent, the Hartlepool Shipowners' Society writing to the Board of Trade, say:—

“There would appear to be a somewhat remarkable discrepancy between the *vivâ voce* judgment and the written “Report.”

Will the Society tell the Board of Trade what they think of the very remarkable discrepancies in the case of the *Engadine* as shown in our July number?

MR. ROTHERY ON HIMSELF.

“I WOULD only venture to say, in conclusion, that “although I am very glad to have had this opportunity “of answering the letter of the Hartlepool Shipowners' “Society, *it appears to me that inconvenience might sometimes arise,*

"if I were called upon, at the request even of so distinguished a body as the Hartlepool Shipowners' Society, to justify every passage of the report of a *vivâ voce* judgment which may appear in a newspaper. The only report, for which I consider myself responsible, is that which is sent to the Board of Trade, signed by myself and the Assessors."—Extract of letter from Mr. H. C. Rothery to the Board of Trade, *vide* Parliamentary Paper, No. 330, of 1881.

We do not doubt that *inconvenience* might sometimes arise if this gentleman were called upon to justify every passage, not simply of a newspaper report of any one of his *vivâ voce* judgments, but of many of those reports for which he does hold himself responsible, namely, those which he sends to the Board of Trade.

It is not libel to say that we are unfeignedly glad to learn from so good an authority that Mr. Rothery does admit his responsibility for anything whatever. When we read the first part of his letter wherein he spoke of *remarks falling* from him, we paused to rack our memory for a parallel case of a judge admitting that he lets fall in Court expressions for which he does not hold himself responsible. We can only recall one case, but if we do not err that judge quietly resigned, and never again sat in Court; so rigidly does public opinion hold that men on the bench are the grim exponents of the law, not men possessing personal feelings.

We have used italics to attract attention, in the hope that this judge may feel bound to try to justify some of the strongly worded observations upon the honesty and moral conduct of witnesses made in some of the reports he has signed. We all know the human tongue is an unruly member. An American has described a lady's tongue as "hung on a pivot at the centre so as to wag freely at both ends," but generally responsibility for its utterances attaches to its owner. However, it would seem that among the extraordinary and startling peculiarities of a system, which

is totally unlike all others, is the existence of a judge who can officially, and apparently without rebuke, arrogate to himself the right to limit his responsibility to the reports he signs.

Has not the time come to abolish a system under which such pretensions can be put forward, and under which hardly one judgment is published in the words in which it is delivered, a system under which the shorthand writer's notes that, paid for by the Treasury, are public property, can be treated as private chattels, because inconvenience might sometimes arise if justification or withdrawal were demanded of some of the unfounded aspersions that would appear if a transcript of the notes was published.

A FEW QUESTIONS FOR THE BOARD OF TRADE.

TALKING some time ago with one of the foremost men in the scientific and most practical branch of his profession, a genuine old salt whose conversation reeks of the pure briny, we were gratified to hear confirmed our view that the essence of almost all that is fairly to be said on a subject can be expressed by some terse, pithy sentence out of one or other of his constant companions—the Bible and Shakespeare. The conversation took place at the time of the investigation into the loss of the *Indian Chief* and into the conduct of the Lifeboat service, and was fixed in our memory because the scene in Court between the presiding officer and the Counsel for the Board of Trade strengthened the remarks we had made as to the position taken up by the Wreck Commissioner and his true relation to the Board of Trade.

To one behind the scenes "Jeshurun waxed fat and kicked" would suffice as an epitome of many sheets of foolscap wasted in official correspondence at that time.

Induced to inquire into the reasons which led the Board of

Trade to create the office of the Wreck Commissioner we were surprised at the tale told us, and especially were we astonished at the sudden exhibition of semi-suppressed annoyance which has of late been again made too evident. Recent events must be teaching the Board of Trade that they are much in the position of the man who trained up a tiger cub as a pet. So long as the cub was young and ignorant of its real strength and unaware of the dread existent in men's minds of the uncontrollable strength it might exert, all went smoothly, the cub was well fed, too well fed as the event proved, and duly exercised to develop its strength and fearful beauty; but as its strength increased (the restraining power of the master being carelessly kept out of sight) the cub waxed bold and aggressive and it needed the calmly sedative persuasion of a crowbar, on one occasion, to make it loose its hold on its master, and no one with any knowledge of the overwhelmingly aggressive nature of the tribe will doubt that in self-defence the Board will have to destroy their pet or to render it harmless, somewhat as is done in the Zoological Gardens, by putting it in a cage to be stared at by the populace and sparingly fed like other useless pensioners.

In trying to free themselves from the odium of suspending masters' certificates by transferring this disagreeable duty to others, the Board have run into unpleasant dangers and have received some nasty snubs. Nothing can well have proved more unpalatable fare than reading the following: "In conclusion, I beg leave most respectfully to protest against the Court being invited to deliver and delivering purely speculative judgments. Such a practice is contrary to that of any other Court, and such judgments are very likely to prove incorrect, unjust, and injurious to all concerned." Nor can this be much more appetising: "My Committee think it very unfortunate that important inquiries such as the one in question should be conducted by gentlemen who appear to

"be very slightly acquainted with merchant steamers." The facts being that to bolster up their rotten system the Board will not carry out the spirit of the law as intended by the law givers, *i.e.*, to have each inquiry conducted solely by men having well known practical experience in their identical class of vessels, nor will they adopt the constitutional procedure of every other Court but, for no other but the bureaucratic reason that it is undignified to admit that the system can be erroneous, will still continue to call upon the Court to mix up a departmental report with a criminal case, to use the evidence obtained in the one to punish the very giver of it in the other, and to make a man convict himself for no practical advantage. We do not know of any one law, or rule, or notice to mariners that has resulted from these most ridiculous and we may say most wicked proceedings, the only result has been the waste of £15,000 or £20,000 a year, in the upkeep of a system that is offensive to every man with any sense of real justice.

Mr. Farrer is the chief supporter if not the originator of the system; at his door is laid the credit or the discredit of creating the office of Wreck Commissioner; in his hands is the control of all matters relating to the Wreck Courts; and we must ask Mr. Farrer to read the remarks of the Admiralty Court in the appeal of the *Rowland*, and also the opinions, published in our columns, of judges, barristers and others, on the unholy and unjust system created for the investigation of shipping casualties and the consequent punishment of masters.

We trust he will see how egregious is the error committed in defending in the Appeal Court the judgment of the Wreck Commissioner. We hope that in a little time he will tire of directing the copying of the stock phrases: "The Board desire me to state that they are not a Court of Appeal from the judgments of the Wreck Courts." "That it is not the province of this Board to overrule or criticise

"the reports of the Wreck Commissioner," for the Board are undeniably responsible for the framing of the questions upon which these absurd reports are delivered, and the manner in which they are toned down. They are equally responsible for sending extracts of these judgments and asking for observations and remarks. They must feel gratified when they send out a "Caution to Shipowners and Shipmasters" of nearly a page of foolscap of extracts from one of these judgments, to receive in reply to their request for observations from their principal officers such statements as these:—

"I look upon the evidence of *theorists*, as far as ship-loading is concerned, and where human life is at stake, as *dangerous in the extreme.*"

"It appears to me that the Wreck Commissioner gives undue weight to the position by the loading disc as an indication of the extent of actual loading."

And out of the thirteen opinions asked for as to the allegation of one inch of freeboard for every foot depth of hold as being the usual allowance, exactly thirteen deny the allegation. All this arose from a judgment of two-and-a-half pages of foolscap of theory and speculative argument upon load-line, spare buoyancy freeboard, foot depth of hold, centre of gravity, metacentre, centre of buoyancy, and an argument based upon another vessel which left two days after, so that the vessel lost would have been out of the North Sea in which the other met the storm.

It must have been still more pleasing when the Board sends by Mr. Farrer to the Tonnage Commission, of which the Wreck Commissioner is a member, the following:—

"But when a distinct charge of the nature above referred to is made by high authority in open Court, they feel that it is their duty to call special attention to the point. *If the charge made by the Wreck Commissioner against the present law is well founded, it suggests the question whether the law can be*

"and ought to be altered; if it is not well founded it ought not to remain unanswered." We have italicised part because the Tonnage Commissioners replied as follows:— "the opinions expressed in the paragraph referred to . . . are to be considered as the individual opinions of Mr. Rothery, and not of the Commissioners generally, inasmuch as they have not entered upon the consideration of their report, and have not as yet expressed any conclusion whatever upon the points in question."

We do not aspire to reach the Board collectively, but we will address to Mr. Farrer the questions we should like to put to the Board, they are—

"Whether the present administration of the system is not totally opposed to the views said by the officials of the Board to be held by them as to the proper procedure, *i.e.*, the constitutional procedure recommended by the Royal Commissioners on unseaworthy ships;

"Whether the present style of conducting the proceedings is approved;

"Whether it is just to give the Wreck Commissioner fourteen or twenty-days' notice of the holding of a Court while the master who is to be tried receives on a Saturday, at 2 p.m., notice to appear at 10 a.m. on the Monday, for a master to receive notice in London on Saturday to appear at Leith at 10 a.m. on Tuesday;

"Whether it is right for their Commissioner to bespatter those who appear in Court with terms most uncalled for such as that a master cooked his log (objected to by Counsel for the Board), and yet to permit him unnoticed to admit that no doubt the words stated to have fallen from me are quite correctly reported . . . but inconvenience might sometimes arise if I were called upon to justify every passage of the report of a *viva voce* judgment because "The only report, for which I consider myself responsible, is that which is

"sent to the Board of Trade, signed by myself and the Assessors ;"

"Whether the Board is not bound to see that a less arrogant opinion of judicial irresponsibility is implanted in the minds of those who decide their cases unless they are anxious to become accessories to the attempt to override all bounds of judicial decency ;

"Whether having constantly denied all responsibility for or control over the Wreck Commissioner, the Board feel justified in spending public money in defending his judgments and feel gratified at the remarks thereon of the Admiralty Court ;

"Whether the wonderful manipulation of the report in the *Engadine* case is approved, and especially if the omission of those parts of the judgment delivered in Court which told in favour of the master is held to be justifiable ;

"Whether the time has not come for abolishing the present unjust system, for pensioning the Wreck Commissioner and for creating a new Court that shall not constantly commit legalised injustice to a few in order to arrive at some problematical advantage to the public."

The time has evidently come for the Board carefully to consider the course they shall pursue. It is futile for them to be perpetually writing "that it is not the province of this Board to overrule or criticise the reports of the Wreck Commissioner," or "The Board desire me to state that they are not a Court of Appeal from the judgments of the Wreck Courts" so long as they appear to defend these judgments ; nor can they reconcile these statements with the desire officially avowed to stand between the unfortunate master and the unscrupulous lawyer.

They certainly ought not to expose themselves to the scathing remarks of the Admiralty Court upon the instructions they give to their Counsel nor to snubs from their principal officers. The parliamentary return, No. 380, steam-

ship *Bristol City*, is a most remarkable instance of the danger run by the Board in taking any notice of the Wreck Commissioner's judgments. The Tonnage Commission spurns all responsibility for the opinions expressed on the effect of the present tonnage laws.* The Consul General, New York, gives a reason which upsets the Wreck Commissioner's opinion, that "The two statements are irreconcilable." The Secretary to Lloyd's Register gives the Board a backhanded slap in reminding them "that as the remarks referred to were made by a Court of Inquiry, it is inexpedient for the Society to offer an opinion on the question to which attention is drawn." Lloyd's in a few words upsets the wonderful *double well-decked* theory in twenty-eight words, by pointing out that "if the space had been covered in, and the vessel in consequence loaded deeper, she would have been more unsafe than she was with her so-called two wells."

We have given the owners' emphatic protest against the Court being invited to deliver these purely speculative judgments, but we think the Board ingenious rather than ingenuous in asking the owner for "any observations you may see fit to offer in the matter," and then replying to his observations by telling him that their object "was not in any way to invite criticism on the report." To cap this mass of practical criticism is the opinion of the Hartlepool Ship-owners' Society "that to describe such a vessel as a double well-decked ship is altogether inaccurate," while their recorded opinion—"My Committee think it very unfortunate that important inquiries such as the one in question should be conducted by gentlemen who appear to be so very slightly acquainted with merchant steamers"—is an opinion most fully endorsed by every practical sailor.

* We have just seen that nine of the twelve members of the Commission agree in their report, but three others, among them Mr. Rothery, each send in a dissentient report, the three differing widely from each other.

CORRESPONDENCE.

STEAMERS' LIGHTS AND COLLISIONS.

To the Editor of the "British Merchant Service Journal."

SIR,—I am glad to find your Correspondent "Mail Steamer" in general agreement with me on the above questions, as appears by his letter in your July number. By-and-bye when we get a solid body of opinion together which rests not on a series of vague surmises as hitherto, but on solid and definite fact, the controversy will disappear, because the infrequency of collision will leave nothing to debate about.

"Mail Steamer" justly finds fault with the astonishing helm movement which he notices on the part of other ships, but I am under the impression that these are more due to the complexities of the law than to the stupidity of individuals. My experience is, that ordinary mankind cannot tell which law to pick out when suddenly appealed to by a danger requiring it. As it certainly is possible to bring all law down to a golden rule, I feel that these false helm movements could hardly exist were there not so many nice distinctions between rule and rule under the present system.

As regards sailing vessels' lights—I brought that matter as strongly as I could before the Board of Trade Committee; but here again, it is not all recklessness on board sailing vessels. The construction and fitting of the side-lights is such that a very slight heel conceals them from any observer in an approaching ship. After all there is nothing inherent in the people in charge of steamers to make them more careful than those in charge of sailing vessels, except of course the large, well-found mail steamers, such as our friend commands, and yet if you look through any series of collisions, you will see the question of the side-lights is as frequent where a sailing vessel is concerned, as it is rare

when only steamers are concerned. But, on the other hand, there is no doubt whatever but that the masthead light of steamers is an additional danger to sea traffic—however little it may be known.

Faithfully yours,

P. H. COLOMB.

To the Editor of the "Daily Telegraph."

SIR,—“The Skipper's Story,” appearing in your issue for Saturday, the 20th inst., has been read with much interest by many of the members of the society I have the honour to represent, and will, I feel assured, be received with great satisfaction by the Mercantile Marine generally. The captains and officers of our Mercantile Marine are subpoenaed, nominally as witnesses, to give an account of the circumstances attending the casualty which has befallen their vessels; but in reality they are called upon to defend themselves from charges framed upon the admissions wrung from them on oath in reply to criminating questions put not only by the counsel in charge of the case, but by the Court itself. With your powerful aid in drawing the attention of the public to the exceptional legislation to which the Merchant Service is subject, it may be asserted, with confidence, that the nation will shortly raise its voice, and demand that the tone and status of the great profession shall no longer be lowered by a system which has been condemned by a Royal Commission, judges on the bench, barristers, and solicitors. Moreover, when the proposal was recently made to extend a similar procedure to the receivers of stolen goods it was promptly negatived by the House of Lords. It is with good cause that seafaring men complain that “the policy of the Maritime Laws obliges it to find a scapegoat.”

I am, Sir, your obedient servant,

BENEDICT F. CRAMER, *Secretary*.

Shipmasters' Society, 60, Fenchurch Street, E.C.,

August 22, 1881.

S.S. "ENGADINE."

To the Editor of the "British Merchant Service Journal."

SIR,—I have but just received the July number of your Journal, and although I have no doubt that abler pens than mine have criticised the judgment in *re Engadine*, yet I should like to note a few ideas which have occurred to me in connection with the case.

In the preliminary correspondence, pp. 350, 351, the second paragraph of the letter addressed by the Board of Trade to the Secretary of the Shipmasters' Society, contains this remarkable sentence: "This Board disclaims all responsibility for the proceedings and judgments of the Wreck Inquiry Courts and all right or responsibility to criticise them."

In the (I am glad to say) successful appeal case, s.s. *Rowland*, *vide* Mitchell's Maritime Register for July 15th. I see that the Board of Trade sent *two* solicitors to uphold the magistrate's decision, whereby the appellant's certificate as master was suspended for three months. This does not look like disclaiming all responsibility. Now, mark what followed. On the appeal being allowed, and judgment reversed, Mr. Myburgh at once asked for his client's (the appellant) costs, whereupon (I quote now verbatim from the report) the solicitor for the Board of Trade objected to the Board of Trade being called upon to pay costs, being a disinterested—(save the mark)—party, and not responsible for the decision of the magistrate.

Sir James Hannen at once saw the fallacy of this reasoning, and observed that "If the Board of Trade think it right to come here to support the judgment" of the magistrate, it scarcely lies in their mouth to say that if the judgment is reversed they are not to take the consequences. I think that the successful appellant should have his costs of this appeal. Appeal allowed, with costs.

The nation will have to pay a pretty round sum in this case first and last.

To return to the *Engadine*. In the Annex to the report, it is repeatedly asserted that the red light seen both by the master and the mate, could not have been the light of a sailing ship; indeed, Mr. Rothery went further, and said that the master was not justified in even supposing that it was the port light of a sailing vessel. The Assessors were willing to assume the light to be that of a sailing vessel, but were at a loss to conceive what induced the master to have altered his course to N.W., however, that has been amended in the corrected report, and the assumption transferred to the master.

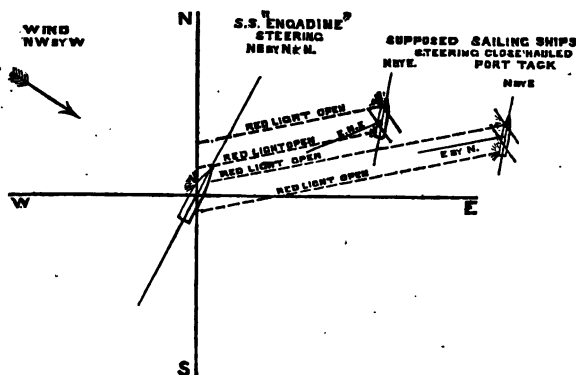
Now, it was to say the least of it, improbable, that it *was* a sailing vessel, for why? I doubt any master would in such weather be standing towards Ushant with a dangerous coast close under his lee, both wind and current setting him bodily to leeward, being at the time already within the range of not only Ushant lights, but also of those of St. Mathieu and Les Pierres Noires.

Be that as it may (to quote from the text), it is quite clear that the master of the *Engadine* thought that the light was that of a sailing vessel, and starboarded to give her a wider berth, a step which is laid great stress upon by both the Wreck Commissioner and the Assessors as being unseamanlike, &c., &c.—but which I think they ought to be the last to condemn, looking at the eccentricities performed at times by sailing ships when they see a steamer, and looking to the fact that ninety-nine times out of a hundred it is the steamer which is pronounced to blame when a collision unfortunately occurs.

Now I think it possible that the light *could* have been that of a sailing vessel and subjoin the accompanying diagram to illustrate my idea.

It is fair to suppose that the wind was slightly more

westerly than N.W., as the steamer would hardly carry her fore-topsail with the wind only six points on the bow, and the wind is in the Annex stated to be about N.W., it will be sufficient to put it at N.W. by W. The next point which challenges attention is the bearing of the light seen—how was that ascertained? Did either master or mate take a compass bearing directly they saw it? I expect not. The engineer's evidence states the light to be on the beam, but it does not give the time of his evidence, and that may possibly have been after the helm was starboarded. By the diagram it will



be at once seen that, allowing E.N.E. to be the bearing of the light, the slightest irregularity in the steering of the sailing ship would have opened the red light, even supposing that the side-lights were so exactly screened as to only show *two* points abaft the beam, whereas as a matter of fact they generally show more; and allowing E. by N. as the bearing it will be seen that the red light would be wide open. Then again when the light is placed on the quarter it would be seen sooner by an overtaking vessel than if it were placed forward.

I fancy that my readers will agree with me that it was *possible* that the red light seen *might* have been that of a sailing vessel, although for reasons given above it was very unlikely—for the steamer was ashore one hour and ten

minutes afterwards—an accident, by-the-by, which would never have happened had the lead been used.

One other point I notice; great weight was laid on the fact that the *Engadine* was going full speed—the remarks “still going full speed” occurring twice in close proximity to each other. What is full speed? I find by internal evidence that the *Engadine* was making as nearly as possible 10 knots per hour, thus the distance from Cape Camarinas to Ushant is 363 miles, when the patent log was hauled in finally it showed 387 miles, being an overlogging of nearly $\frac{1}{6}$ of a knot per hour. At 8 p.m. it registered 355 miles, and at 10.55 p.m. they found as stated 387 miles, which, after allowing the necessary deduction, is as nearly as possible 10 knots per hour.

In Mitchell's Maritime Register for August 5th, it will be seen in the report on the stranding of s.s. *Brittannic* that she was going as slow as she could go, viz., 34.25 revolutions per minute, which meant and was admitted to mean a speed of 9 knots; and yet not a word is said to the master of the *Brittannic* about going too fast. Whereas the master of the *Engadine* is most certainly censured by implication, and there is only one knot difference of speed. I think the Board of Trade solicitor sending for the captain to enable him to draw up the charges against him was about the most objectionable part in the whole affair, and yet it is done in substance every day, unless the master makes a statement abroad first before a “mere Consul.”

In a foot note to Mitchell's Maritime Register of July 15th, I see that the Board of Trade, acting on the suggestion of the Admiralty Court, before whom the master of the *Kestrel* appealed unsuccessfully, have remitted the unexpired portion of the sentence, showing that the Court clearly thought the sentence excessive.

I remain, Sir, your obedient servant,

G. H. L.

RESOLUTION BANK, COAST OF BRAZIL.

To the Editor of the "British Merchant Service Journal."

SIR,—Referring to the remarks made by the Wreck Commissioner in summing up the official inquiry into the stranding of the *Asterope* on the Resolution Bank, off the north coast of Brazil, which appeared in the *Shipping Gazette* issued on the 18th of August last, we beg leave to draw attention to the illogical character of the deductions therein made respecting charts published by private firms.

Fault is found with Imray's chart of the coast of Brazil on account of its not having the Resolution Bank marked on it. The chart used on this occasion was dated 1879, as stated by the captain of the *Asterope* in his evidence; it consequently left our establishment in that year. The Resolution Bank was discovered subsequently, namely in January, 1880, and a notice respecting it was published by the Admiralty on the 22nd of April, 1880. All charts of the coast of Brazil in our possession were then immediately corrected and all plates appearing had the reported shoal engraved on them. The letters P. D. (position doubtful) were attached to the description of the shoal in every instance.

We are inclined to doubt the existence of this shoal, and it is our opinion that the vessel really struck on the outer edge of the shallows extending some distance from the land. The whole stretch of coast is low and an error in estimating distance from it might easily occur. A case of the sort happened a few weeks ago. A steamer struck on a rock asserted to be five miles from the east coast of Oland in the Baltic—an unknown rock and consequently not shown on the chart. Notices directing attention to the danger were published by the Swedish, German, Danish, and British Governments. Need we add the rock was immediately inserted in every copy of the Baltic charts we publish and engraved on the plates. The Swedish surveying vessel,

dispatched to find and fix the position of the rock, ascertained its *non-existence* and that the steamer struck on one of the rocky ledges that border the coast of Oland to the distance seaward in places of about a mile. It became our duty then to remove the rock from our charts and plates. Other instances similar to the above have occurred in our experience, hence we are obliged to receive with considerable caution statements asserting the existence of unknown dangers, even when such an accident occurs as the loss of the *Asterope*.

Yours, &c.,

JAMES IMRAY & SON.

89, Minories, E., September 2nd, 1881.

—— Inter strepit anser olores.

He gabbles like a goose, amidst the swan-like choir.

“One who thinks he knows” tells us that this is a very true and fair description of part of the Report of the Royal Commission on Tonnage. So soon as we have waded through the Blue Book we will try to set before our readers any portions that to them, as practical men, may be of interest. We think that the plan adopted of issuing counter reports by those members who could not agree with the majority is a very proper one (we commend it to the Assessors on the Courts of Inquiry), and certainly a more satisfactory one than the plan followed at the Tay Bridge Inquiry and at the *Atalanta* Inquiry, where the opinions of the writer of the reports were repudiated by the other members.

FOG-SIGNALS.

TOWARDS the end of last year we gave particulars of a fog-horn which was exhibited by the inventor at a meeting of the Shipmasters' Society, and with which many members were greatly pleased.

Since that time Captain Barker has made some beneficial alterations in the mechanism, whereby the size of the machine is reduced, and the cost of the same materially decreased.

It will be remembered by our readers that the instrument is made on automatic principles for the production of loud and uniform sounds. These are regulated by a revolving dial plate, which, when once set, gives the course of the vessel at regular intervals, until such course be altered.

The inventor has confined his system to eight signals, which will suffice to give the approximate course of a vessel, and will thus reduce to an intelligible language the irregular and confusing blasts of steam-whistles and fog-horns which have been introduced by Act of Parliament.

The system consists of long and short sounds, the former being of a vibratory character, whilst the latter are distinguished by being clear, unbroken blasts. The code appears to have been carefully considered, and is so arranged that every easterly signal should commence with a long sound, and those to the west with a short.

To the north the signals terminate with a short blast, and to the south with a long.

In his efforts to provide a means whereby the safety of vessels may be increased, Captain Barker has, we observe, received great encouragement from the testimonials given him by the Mereantile Marine Association of Liverpool and from those of the principal steamship companies of the United States.

The joint Committee on Pilot Rules in America gives very

cordial approval of the code, and the secretary of the National Board of Steam Navigation states that the machine, after a very critical examination by several hundred practical persons, was pronounced perfect.

The Trinity House describe the instrument as being simple and not likely to get out of order, and that when any signals of this nature are contemplated it seems well worthy of attention.

Those who are interested in the question of signalling will read with pleasure the following extract from the Report of the Principal Officer of the Board of Trade :—

“ I think it would be most desirable that the Committee on the Rule of the Road at Sea should examine the machine. They have in it ready made for them, a machine which shows very well what can be done by sound signalling, and the cost at which such a means of navigation telegraphy could be applied.

“ The Committee could not contrive a better experimental machine, and they should therefore avail themselves of the opportunity so cheaply provided for them.”

"It was also admitted by the mate of the *Acorn* that . . . he never took any steps to indicate his position to the vessel which was approaching him from behind, and the reason seems to be that he was, at the time, not aware of the existence of the 11th Article in the new Regulations. In our opinion there was no justification whatever for the mate of the *Acorn* not showing a light to the approaching vessel, as he was bound by the Regulations to do." So says the judgment of the learned Court of Rehearing. We all know that "Ignorance of the fact excuses; ignorance of the law excuses not." But putting aside a scarcely veiled doubt as to the New Regulations having so much of the force of "law" that a man cannot be excused for not knowing them, we have little hesitation in saying that this case from beginning to end is a strong instance of the truth of the maxim—"The ignorance of a judge is the misfortune of the innocent." For had those who ought to have known acted on the knowledge they, by law, are supposed to possess, these unfortunate men would not twice have had to defend themselves, nor would one of them have suffered the loss caused by the illegal suspension of his certificate, a loss increased by his having been deprived of all costs at the sole will of one who stops the asking for costs in order that the Court may record that "no costs were asked for," of which we recorded one instance, among many similar, in our July number, page 372, where the extraordinary difference between the oral and the written judgment is set out.

It may sometimes be justifiable to spend the public money to call attention to a set of Regulations, but this was a very poor case for the purpose, seeing that the overtaking vessel was only gaining on the other from half to one knot an hour, and it was evidently much more of a "look-out" case than of one under Article 11. It was, however, quite sufficient to hang thereon a suspension of a certificate, and this must have blinded the officials to the palpable fact that only six

to eight shillings of repairs rendered the vessel in their own eyes sufficiently seaworthy to be allowed to follow her trade for nearly three months before the case was inquired into. "Material damage" must be done to give the Court jurisdiction, and it does not say much for those responsible for putting the country to a heavy expense that this condition precedent was enacted twenty-seven years ago, and is one that has been often alluded to as taking cases out of the jurisdiction of the Courts. Being one of the Board's own Statutes it ought to have been well known in the office and some explanation for overlooking it is due to the public. We do not know who selects the cases for inquiry, we have alluded to this subject in our August number, but it would seem clear that they only go through the solicitor's department as a matter of routine, as we cannot think so experienced an official would not have noted the want of jurisdiction had the case been in his hands. In this respect this case exemplifies one of the anomalies of the system that should be reformed or done away with.

The excuse may be made for the Cardiff Court, that the questions put by the Board of Trade all pointed to the collision and its cause, and may have put the Stipendiary Magistrate off his guard as to jurisdiction, for he would take it that the Board of Trade would not have initiated the proceedings and sent the witnesses &c. to Cardiff unless the case was *prima facie* a good one and within the jurisdiction of his Court.

The questions put by the Board of Trade to the Court at Cardiff are not before us though we know that the statement was made "that in the opinion of the Board the certificate should be dealt with" but one of the peculiarities of this case is that in lieu of the Court finding as desired, that Article 11 of the New Regulations had been infringed, it found that the other vessel had kept a negligent look-out and therefore punished the officer it

deemed responsible by suspending his certificate for three calendar months, a term which we have been told by the chief Court "is the shortest time for which we can do so "without making these proceedings a farce," though the Admiralty Court regarded that term as a very severe sentence in a much worse case. "But we must all obey the "law" is very true, and so this officer has suffered for two months a suspension of his livelihood under an illegal sentence, and not only has he had to pay to obtain this measure of justice, *i.e.*, a remission of one month, but he has been deprived of all recompense under the fiat of one who we fully believe acts under a rule that lacks legal foundation. We touched on this point in our April number, pp. 185-8, and we earnestly counsel the first acquitted master who may be refused his costs to appeal to the Court of Admiralty. In fact we would urge every master with a good case to appeal at once instead of indulging in the vain extravagance of a "rehearing" by order of the Board of Trade, for that only places him in the hands of a Court that never gives costs, sometimes because it deems the case to be a good one for inquiry quite irrespective of the injustice of making an individual pay for the supposed good of the country. Now came on a further proof of the absurdity of the system, and we fear we cannot avoid saying of the ignorance if not of the stupidity of the officials concerned. It was in evidence before the Court at Cardiff that the damage done was very trivial, the Board of Trade therefore ought to have known that the Court had no jurisdiction, and it could, and we think ought at once to have returned the officer his certificate, but sooner than do this it grants the rehearing asked for, and the case is reheard forty-seven days after the first trial. The farce is then reacted, the first question put by the Board of Trade showing that the office knew it to be a farce, *viz.*, "Was the *Acorn* so materially damaged through the collision

with the *William Hartman* as to give the Court by whom the inquiry was heard jurisdiction to deal with the certificate, etc." The Board of Trade may feel much fortified by obtaining the valuable opinion of the Wreck Commissioner on the point of whether a few shillings or even £10 or £11 may be sufficient "material damage" to give a Court jurisdiction, but only a Corporation without a soul and with the most frail body can require such substantial support, an ordinary being with only a modicum of common sense would decide the question for himself, but granting to the Board of Trade the right to waste public money in such a manner there cannot be found by the most arrant supporter of the Board's infallibility the smallest justification for making an unfortunate mate pay for rectifying the illegal proceedings of their unconstitutional Courts. Whether the case was a good or a bad one for rehearing it was cruel to keep a man waiting for forty-seven days without means of earning his food, in order merely to settle a point that was as clear as noontide. We should like to know what can be said as to the maxims *lex reprobat moram* (the law dislikes delay) and *lex semper dabit remedium* (the law will always give a remedy) and to learn where the remedy for such legalised cruel treatment is to be found.

The second question put in this rehearing case shows how correct we have always been in saying that the system leads those administering it to seek, not the cause of the casualty, but for some one to punish. The original Court being content with punishing the *William Hartman*, had not condemned the mate of the *Acorn* for not showing a white light at her stern, but the Board asked the rehearing Court, "Was the *Acorn* justified in neglecting to show from her stern a white light or a flare-up light as required by Article 11 of the Regulations for Preventing Collisions at Sea." Thus reopening the whole case and putting the man again upon his trial after he had been acquitted. The Court promptly

found that the *collision was due to . . . the mate* of the *Acorn* not showing either a white light, &c., but having done this the mate is quite forgotten and no further notice is taken of him, so the Board took nothing by its again dragging him into Court as well as the master. It is hardly necessary to say that, of course, neither received any costs, though the master was absolved by both Courts.

The third question opens a peculiar game, to use a chess phrase. The Cardiff Court had found the mate of the *William Hartman* to blame for a negligent look-out, and the rehearing Court also finds him to blame for not keeping a good look-out. But we very much doubt if the Cardiff Court would have so found, had the appeal in the *Rowland* case been heard before this decision was given. The findings of the Cardiff Court in the *Rowland* case on May 13th, and in the *Acorn* and *William Hartman* case on June 25th, were the same and consistent, viz., that the officer was to blame for the negligent look-out. This view, however, was upset by the Admiralty Court in the *Rowland* appeal case on July 11th, and we think most Courts would have followed the ruling of this final Court, but this *Acorn* and *William Hartman* rehearing case is one we wish we could say "*sui generis*" (of a kind peculiar to itself) though we may safely declare the judgment to be so, for we find therein that the Wreck Commissioner and his two Assessors, Captains Castle and Hyde, put aside the opinion of the Admiralty Appeal Court composed of Sir James Hannen and Sir Robert Phillimore, with Captains Bayley and Atkins, and say they are quite wrong. That we are correct in thus writing we will show. In the *Rowland* case the captain was on the bridge with a look-out man properly placed. In the *Acorn* and *William Hartman* case the mate was on the bridge with a look-out man properly placed. In both cases the look-out reported a vessel a-head, in the one case 100 yards off, in the other 200 yards (though the Wreck Com-

missioner does not believe this distance to be correct, for a reason that is not very clear to a practical man, he apparently thinking that to telegraph to the engine-room to stand by, and then immediately to go a-stern, and the helm to be ported takes no time). Now, in the first case the judges of the Admiralty Court held that, "Although he is on the bridge and would be looking a-head from time to time, and perhaps principally doing so, yet he has other duties to perform, and he is justified in discharging those other duties, though they may divert his attention from looking a-head, for the express reason that there is a man on the look-out whose duty it is to be as it were the eyes of the ship." In the *Acorn* and *William Hartman* rehearing case, the Wreck Commissioner evidently did not study the judgment of his Superior Court, but accepts from the defendant's counsel the statement that the Superior Court held that it was *no part* of the duty of the officer of the watch to keep a good look-out, though we cannot find in the judgment of the Superior Court any such dictum.

We have often referred to the lax way in which subpoenas are issued. In this case the rehearing comes on forty-seven days after the first trial; but the subpoenas were only issued on the Monday to appear on the Thursday. This in regard to the applicant for the rehearing may not be so very grievous, but to the master and mate of the *Acorn*, who were in fact to be tried over again, this short notice is scandalously little. To put the owners and officers of both vessels through two trials to arrive at the self-evident fact that no material damage was caused could not be done under any other system, and it would never be done in any Court where justice is administered and where costs follow the event as they should do, except where the judge considers the fault of the party has debarred him of the right to have them.

So much for a system which can produce such an abortion

of justice; our readers will agree that the old saying
Parturiunt montes, nascetur ridiculus mus—

"The mountains labour with prodigious throes,
 And lo! a mouse ridiculous out goes"

is no far-fetched description of the productive labours of the Board and the result obtained by the assistance of two Courts and their Assessors.

But with every desire to close this paper we must refer to two more peculiarities of this rehearing case. The first question ought to have closed it altogether, for there was no jurisdiction, but it would not do to cut down the work to be done by a Court created for a purpose, bad in its inception and worse in its resultant, and therefore the other questions were gone into. But we cannot see why, in a case of a negligent look-out or the want of stern lights, it was necessary for the Court to go into the question of the vessel carrying double her nett registered tonnage, or of the compass having a westerly deviation of thirteen degrees, or of the effect of a right-handed screw on a vessel's sternway when the helm is put to starboard. But since the vagaries of deciding the wrong doing of masters and owners by the medium of formulæ of co-efficient of fineness and amount of freeboard, which are surely questions for builders, have been exploded by common sense expositions of the want of foundation for those charming theories, nett and gross tonnage and the vexed question of the effect of a right or a left-handed screw when the engines are suddenly put full speed a-stern, have taken their place, and it is as difficult to find a report in the course of which, (though it is generally kept out of the *printed* copy,) some debateable theory which has very little to do with the cause of a casualty, does not appear in some form, like Mr. Dick's head of Charles I., so feelingly introduced in "David Copperfield."

We have done a little to expose the difference between the oral (which we repeat is the *legal*) judgment and that

published by the Board of Trade. In the oral judgment in this rehearing case we heard a great deal about the Act of 1862 "damage material;" the Act of 1876, sec. 32, jurisdiction somewhat extended a vessel damaged (not material), "therefore if any damage whatever is caused I should hold "that this Court has jurisdiction" (we may say the sapient gentleman had better leave it alone), and a good deal about section 242 of Act of 1854, but in the printed judgment, this, like a windbag, has been pricked and reduced to a remnant of skin. But we cannot understand why figures given in evidence and correctly given in the oral judgment should be altered and added to in the printed edition. The damage temporarily repaired, according to the evidence, at a cost of 6s. to 7s. 6d. or 8s. is made in print 8s. or 9s., and the total damage £9 to £10 is turned into £10 to £11. Why should the evidence be misquoted, and would it cause too much inconvenience if an explanation were asked for?

An incident that occurred when counsel for the Board of Trade was reading over the proceedings of the Cardiff Court must have struck any casual auditor. Counsel reading, "cross-examined by the Court," added, "A rather curious expression that! cross-examined by the Court." Had it been necessary to relate some of the proceedings of the London Court it would have been necessary to read "most severely badgered under cross-examination by the presiding officer."

There is still one main point to which we must refer. The printed judgment says, "The Court was not asked to make any order as to costs." On this Mitchell's Maritime Register very innocently remarks, "We cannot quite understand why no application was made on the part of the "appellant for costs. Had such an application been made "it is difficult to understand how it could have been refused, "and we do not believe it would have been." The writer

thinks these are Courts of Justice conducted under a system of equitable law, and his unwillingness to believe that costs would not have been given does greater credit to his heart than to his actual knowledge of the Court. We do not hesitate to say that the phrase "The Court was not asked to make any order as to costs" conveys as true an impression of what occurred as the printed judgments do of those delivered in Court. What really occurred in Court was this; directly the Commissioner had finished his judgment he added, almost in the same breath, "You don't ask for costs," and with such a hint the counsel, who intended to do so, thought it useless. We do not romance, a similar instance we have put in type at page 372. And we affirm this to be a common occurrence. We cannot recall one instance of costs being allowed except to the Board of Trade, and we will not insult our readers' intelligence by giving the reasons thereof.

THE LAWYER'S MARINE POCKET CASE.

WE have received from Captain Bedford Pim, R.N., a compact Case brought out by him under the above name, and we have much pleasure in publishing his observations on its merits condensed from a paper read by him at the meeting of the British Association at York :—

The construction of the "Case" has been a labour of love, in the earnest hope of it being useful to seamen, whether of the Royal Navy or Mercantile Marine, for, indeed, in the present day it is hard to say why these two great services should not always be coupled together, as, combined, they are the true mainstay of the empire, whereon its wealth, safety, and strength chiefly depend.

In dealing with the shipping casualties of the present day

(to say nothing of their frightful frequency) a great deal more knowledge is required than in former times. When I first went to sea, in the merchant service, about forty years ago, collisions were of comparatively rare occurrence, and they were, moreover, generally of a trifling nature, and certainly not attended with anything like the serious loss of life of modern times. In those days the crews were English, now the greater part are *foreigners*.

I am anxious to dispel a popular error as to the cause of the numerous collisions which now take place, an error prevalent in very high quarters, viz., that these collisions are attributable to the extraordinary increase in the number of English ships, and consequent overcrowding of our ports and rivers. There could not be a greater mistake, for in point of fact the number of our ships is less now than it was twenty years ago.

The figures may be interesting, and therefore I will mention that in 1865 the amount of British shipping reached its culminating point in nearly 27,000 vessels. At the present moment the number is about 22,000, although it is quite true that British tonnage has largely increased, ship-owners preferring, strange to say, as it seems to me, to put all their eggs into one basket.

To give an idea of the frightful frequency of shipping casualties, let me tell you that the average for some years has reached between two and three thousand per annum; that is to say, that since the time I mentioned, forty years ago, when a collision was a comparatively rare occurrence, we have now to lament that at least five vessels daily come to grief; whilst in the Mercantile Marine some 3,000 lives yearly are lost by drowning alone.

It will therefore be apparent that there is, alas, plenty of opportunity of testing the usefulness of my "Case," and by its use to enable our Courts to arrive at the *true* reason of the loss or casualty, and thus to bring about in time the applica-

tion of effective remedies to prevent the present deplorable state of things.

The following are a few of the leading points or features in the contents of the "Case," and first in respect of the models:—

It must be obvious to every one how important, nay all important it is, to illustrate as graphically as possible the leading features of a collision. Now no word painting can convey the idea to the judge and jury of the situation so clearly as by means of models. It is true that wooden blocks, shaped at both ends, have long been used at the trial of shipping casualties; but these blocks, supposed to represent ships, were always of the same type, and therefore quite failed to convey the right impression whenever the vessels colliding were of different sizes. The models can be readily taken to pieces and joined at any ordinary dimension.

In respect to the compasses, they are made to answer a double purpose, viz., one end as compasses to measure distance with, the other as callipers to take the thickness of a plank or iron plate with; in the case of iron ships, this latter measurement is often of great importance.

The protractor, as everyone knows, is very useful to lay off the course, or to fix the position by cross bearings. A scale is added at foot, and the whole printed on thick paper so as to reduce the cost to a minimum.

Attention to details is most material to seafaring success, and on the principle that "trifles make the sum of human things," the pencils have been made green and red, to match a ship's lights. Thus can be shown by a stroke of the pencil alone, whether the ship was going to port or starboard; and thus not only by a dash of the pencil, but by means of the colour also, her course is kept in the memory of those concerned.

A few points in the little blue book—the "Aid to Memory"—must be mentioned. But first attention must be called for

one moment to the memorable words of Cicero, adopted, as a not altogether inappropriate motto to anything maritime, "*Qui teneat mare, eum necesse est, rerum potiri*," a sentiment which lies at the root of all England's greatness, a sentiment which should be engraved on the heart of every Englishman.

There will be found in this little book many useful hints. Most shipping cases turn on obtaining from the witnesses, exact information with regard to lights, distance, sound; and on each of these points attention is called to very simple facts, such for example, that under no circumstances can the present green lights be seen beyond two miles; consequently whenever a green light is reported, not a moment should be lost in deciding the course to steer, and if this is not done it is pretty well known whom to blame.

The question of distance is always found to be a burning one in collision cases, tables have therefore been worked out by which given the ship's speed and the time from sighting; the distance traversed can be seen at a glance at page 15. For example, a knot is 2,028 yards; if a ship is going ten knots an hour she will cover very nearly 340 yards in one minute, say three times the length of an ordinary passenger steamer of the present day. No amount of swearing, and there is sometimes very hard swearing indeed in shipping cases, can get over this stubborn fact.

Regarding sound, it is only necessary to allude to the facility with which an accurate measurement of distance can be obtained from the knowledge possessed of the rate at which sound travels; in fact in H.M. surveying service and elsewhere surveyors are often dependent for a base measured entirely by sound, calculated by the time between seeing the flash of a gun and hearing the report.

Altogether it may safely be asserted that much useful information will be found in the pages of this little blue book.

In conclusion I wish to ask those who read these few lines to do me a favour:—I am engaged during the little leisure

I have in preparing for publication a "*Maritime Cyclopaedia*," which shall contain every kind of information useful to mariners and to a maritime population. I am anxious to complete my collection of printed and manuscript matter for this book, and I can only say that any information on subjects even remotely affecting those of our seafaring countrymen, whom I have mentioned, will be thankfully received by Captain BEDFORD PIM.

BOILER EXPLOSION BILL AND COURTS OF INQUIRY.

THIS Bill, dropped at the end of the last session, will doubtless be brought forward again, and in a modified form become part of the law of the land.

We do not purpose to enter on the merits of the Bill, our object is to draw attention to the means proposed for carrying out the inquiry into the cause of the casualty, the constitution of the Court, the qualifications of its members, and the course to be followed after the inquiry has been completed.

The Bill drawn on the lines of Courts of Inquiry into shipping casualties is remodelled according to the experience gained from the system under which investigations into Railway Accidents are pursued.

Thus it follows the Shipping Casualties' system by requiring a report of the accident within twenty-four hours, from the owner or user of the boiler; it enables the Board of Trade to appoint a competent and independent engineer to make a preliminary inquiry, such as is made in shipping casualties by the Receiver of Wreck, but it does not give this engineer the power to make the owner or user of the boiler give evidence on oath against himself, such as is possessed

by the Receiver of Wreck. The Board of Trade may, if it thinks fit, then order a formal investigation to be made into the causes and circumstances of the explosion. It is in the constitution of the Court which is to make this formal investigation that the Shipping Casualties' system is wisely abandoned in favour of the more simple, just, and sensible procedure followed in inquiries into railway accidents, for the Court is to consist of three Commissioners, two of whom shall be competent and practical engineers, specially conversant with the manufacture and working of steam boilers, and the third a competent lawyer. The Court to be presided over by one of the engineering commissioners, the selection being made by the Board of Trade.

These Courts will be far more sensibly formed than are those in which shipping casualties are investigated; these latter are generally composed of a Stipendiary Magistrate or two Justices of the Peace aided by two or more Nautical Assessors. Theoretically such Courts are good enough, but practically the legal element dominates, and the result is that the cause of the casualty, which naturally should fall to be estimated by the competent men, practically conversant with ships and navigation, is not so much heeded or sought for as is the aim generally followed by the legal mind in pursuance of its natural bent, viz., the trying to fix the measure of blame; and thus, "whom shall we punish" is much more regarded than "what caused the casualty." That this is true is very strikingly exemplified in the chief of these Courts, which generally sits in London, but which has a roving commission to do mischief among the masters everywhere.

This Court is composed of two or three nautical gentlemen, nominated as Assessors, out of a list of about twenty-five, who are supposed to possess certain qualifications laid down in an Act of Parliament. We advisedly say "supposed," because the list contains some who lack the qualification;

they are also supposed to be nominated according to roster, but this roster is manipulated so that certain Assessors always sit in one Court. The Court is presided over by a gentleman who was so far bred up to the law that he became a proctor in the Ecclesiastical and Admiralty Court, and further became entitled to wear a black stuff gown: our book does not add "and a wig," and certainly out of a list of thirty-three wigs in the 18th century, though we find a judge's and a barrister's, we cannot find a proctor's. Whether it is right to import any saying of the divine William into an article is a matter of taste; we think we express a general opinion when we say in this case, "But all hoods make not monks."

Why such a Court was constituted is best known to those who created it. It may be said to be the outcome of the Royal Commission on Unseaworthy Ships in the same sense that chloride of lime may be deemed an outcome from sewer gas. It was, we believe, intended to stifle the recommendations of the Commissioners by a semblance of giving effect to their views, while every rule framed and every addition made to those rules have really resulted in rendering still more objectionable, more flagrant, and more incredible the unconstitutional procedure of the Courts even then reprehended by everyone who expressed an opinion about them, and now hated by all who fall under them.

But on this point we will not write further. That the origin of the system is bad we have often pointed out, and in referring to those who administer this miserable law, we express the hope that the Board in carrying out this Boiler Explosion Bill, when it has become law, will see how utterly their shipping casualties' legislation has failed, and how their nominee has, in a manner peculiarly his own, made fools of the Department.

We have tried to find some good reason for selecting a proctor for an office which, from not being fenced in with

rigid rules of practice or even guarded by ancient custom, gives to its holder, or, to be more correct, gives scope to the assumption by him of powers that are not exercised by the real judges. We do not know of another Court of which the president claims the right of withholding his judgments or of altering them after they are delivered, or who would deny responsibility for anything he may say in open Court, who would stop the obtaining evidence by a passenger in a case of wreck by threatening to make him pay costs if he prolonged the proceedings by asking questions, who can make witnesses pay the costs of an inquiry, or who can settle by himself and punish men thereon, of points that are in dispute among practical men, and who has the power of punishing men if they have done anything that does not accord with his theories. That a Court should exist in these days in which the judge can undertake such a strange jumble of rôles as prosecuting counsel, skilled witness, jury and judge at one and the same time will scarcely be believed, but it is true. Thinking that some special qualification might be found in that profession we have looked into Wharton's Law Lexicon, there we find a proctor is "a manager of another person's affairs, a species of constable in our universities," and an official whose duties are similar to those of solicitors and attorneys in other Courts. He had to serve a clerkship of seven years under articles with one of thirty-four senior proctors, but before being permitted to be articled the clerk was required to produce a certificate of his having made reasonable progress in classical education. The term completed he was admitted under the title of a supernumerary with similar ceremonies to those observed on the admission of an advocate. Proctors appeared in Court in black stuff gowns. But we cannot see in such a qualification any reason for the selection, and it would seem that the office was a reward for services rendered in framing the questions drawn up for the use of Receivers of Wreck.

We trust the Board of Trade will accept the proposed Boiler Explosions Bill. They must see that the system under which railway accidents are investigated has proved to be useful, is acceptable to all concerned, and, a great matter to a public office, has created very little friction, so that it does not involve the Department in endless trouble and correspondence nor the payment of costs in law suits; while they cannot shut their eyes to the fact that the system in cases of shipping casualties has proved an endless annoyance to themselves, that their special Court is a thorough failure and an unmanageable nuisance, and has failed to satisfy any but the highly-paid officials whose cost is a positive waste of public money, for not one really useful or practical suggestion has emanated from the numerous reports that have been published during the last three years.

If the Board will do its duty by trying to prevent the wrongs done under the cover of the law, and by preventing any further misuse of the power it can control, it will earn the goodwill and the gratitude of the Mercantile Marine—a body that has suffered much at its hands.

We urge that the Board revise the procedure of the Shipping Casualties Investigations, and that it reconstitute the Courts as proposed by us in our February number, and, as it is useless to expect men willingly to efface themselves by cordially following a course which practically condemns all their past proceedings, we suggest that the Board should exercise for the public good the power it possesses to obtain a repeal of Act 39 and 40 Vict., cap. 80, and to pension or otherwise disembarass itself of those who administer the statute. Except that portion which created the Wreck Court the statute has virtually been a dead letter, as we have already pointed out in this journal, and to abolish the Wreck Court is a work that must soon be executed.

The interests and the friendships of a few must not stand in the way of the public good. We affirm that the revision

of the system and the reconstruction of these Courts is a crying necessity—the Courts are the laughing-stock of the Bar, among whom the proceedings are often thus alluded to, “Oh, so and so is making a fool of himself again,” while they create the most bitter of feelings among the innocent or guilty men who are hurried thither at a few hours’ notice to damage themselves, or to be vilified without the power to reply.

The Board of Trade are responsible for the system—that they intended it to work so much wrong we do not believe—but they created the law, and must answer for the results. The warning thence arising should keep them in regard to Boiler Explosions from passing a similar law, or they will find the public will say of it as Shakespere makes Smith the Weaver say of another proposed law :

“Nay, John, it will be stinking law.”—2nd Part Hen. VI.

C O R R E S P O N D E N C E .

UNSKILFUL NAVIGATION.

To the Editor of the “British Merchant Service Journal.”

SIR,—Having only just returned from an eight months’ voyage I hasten to reply to the letter published in the August number from your correspondent “C. B.,” who seems to write with many misconceptions on the subject and intent of my papers.

First, the papers are not written for men of “experience and good nerve” who find that “navigation is plain and simple,” but for younger men who may be glad of any help that may tend to prevent the lamentable accidents which occur from a misplaced confidence in the estimated distance of a ship off the land, and of which we have so many instances in fine clear weather.

If in such strandings, several different methods of verification had been used, the error would be discovered in time to avert running on in ignorance to certain destruction.

Having myself experienced the pressure which competition of late years has brought to bear in trying to make quick passages, I feel it is incumbent on all to use every means possible to insure safety.

Secondly, "I have had the honour of commanding" clippers and "steamships for" over "nineteen years." "The bridge of a steamer on a dark winter's night" has been the school in which I have learnt the practical use of my problems.

But I differ widely from your correspondent that "Nothing is easier than a man sitting by his fireside at home and drawing out problems," for it is in practice *at sea only* that any confidence can be placed.

From the commencement of our Society's existence it has been my aim, as Platt so well expresses it in "Life," to "know no better mission than to strive to make all men equal to the finest examples."

To many, as well as to "C. B.," the same author says, "God has been too prodigal in His gifts to us; we do not value them as we ought;" and by such the problems are not likely to be appreciated.

Thirdly, as "C. B." makes the confession of having kept the journals for reading at sea, perhaps he and others might find time for reading other instructive books and for writing for the benefit of his less informed brethren, and so help to swell your pages with his mite for the good of others.

The example in navigation so graphically put before us by "C. B." would be improved by the use of my problems, for unless a correct departure be taken from Lundy Island it is impossible that a correct course can be shaped on which to run in a dark night.

Without an accurate departure and a correct course I should certainly recommend "C. B." to go outside Scilly;

after admitting his inability to run 40 or 50 miles without losing himself, or, in his own words, "not know where he is."

Ignorance of position seems likely to occur if all his calculations are equal to his estimate of the value of the time lost in going outside, when compared with the far greater object of ensuring safety to life and ship.

"C. B." asks "when does a merchant steamer go surveying?" This question is answered by Commander Hull, R.N., who, when referring to a traverse table, says:—"Thus navigators become surveyors in spite of themselves, and triangulate without knowing they are doing so." It is such men who afford an illustration of one side of the parallel drawn by Mr. Goschen in his speech on education—"Untrained to reason or reflect." The other side is to be seen in a navigator who, having "exercised his mental powers on difficult problems, has been taught to think," and who "will have the magic power by which he can secure to himself an unlimited supply of what he wants," which, in our case, is confidence in navigation. Mr. Goschen only offers two to one on the parallel, it is worth twenty to one at least.

My only desire being to help others in their "simple navigation," I hope they will, like "C. B.," still continue to "thank God for taking them clear through fine and foul weather," for with many it seems their sole stock in trade.

I am, Sir, &c.,

October 3rd, 1881.

H. F. HOLT.

THE "POLLY PINKHAM."

To the Editor of the "British Merchant Service Journal."

SIR,—I see you have often alluded to the absurdity of a judge pretending, in cases before him, to decide points of seaman-ship without availing himself of the technical knowledge of the Assessors; it is too patent to require proof, thus rendering his Court the laughing-stock of all practical sailors.

The officials of the Board of Trade who must revise the judgments which are very different as published by the Board from those delivered by the judge, must be equally as ignorant or they neglect their duty by being careless in supervising them. Why they permit one of their officers who already is overpaid by the Mercantile Marine Fund to undertake other duties to the prejudice of those concerned in inquiries that have to be kept for his convenience, is one of those strange freaks which induces a department to nominate a versatile gentleman to positions in which his peculiar temperament must cause him to disagree with those he acts.

I think it a pity you did not refer to the *Polly Pinkham*, when the judgment was published. It seems to me to be composed of everything a judgment should lack. I feel no doubt that your strictures in the case of the *Maggie Cummins* saved the certificate of the mate of the *Polly Pinkham*, for the judge had not rightly comprehended the distinction between a wrongful act, which does, and one which does not contribute to the loss or damage. It is odd that a judge should take five years to learn the small part of the one statute he has to act under.

To return to my subject. The judgment in the *Polly Pinkham* case. Will no friend point out how destructive such productions are to a reputation for sense or discretion.

In a vessel of seven hands all told, the mate's watch consisted of himself, an A.B. and a boy, and yet the Court blames the mate because while the A.B. is at the wheel and the boy is on the look-out, the mate works the pump instead of keeping also on the look-out as officer of the watch, so that the Court found that a good and proper look-out was not kept. Somewhat like the recent case in which a master was punished because he had not a double look-out. When will the Court learn that 141-ton vessels are not men-of-war in equipment. Apparently the Court expected the mate to keep the deep-sea lead going all the time. To quote the sailing

directions as to heaving the deep-sea lead in these cases is one of the absurdities so typical of Courts of Inquiry. "Nor is it very easy to understand how the vessel could have run ashore where she did on an E. by N. course, for to do so, she must have gone if not over, at all events very near to Brattin Head and Mine Head." Had the Court found she had gone over these Heads no one would have been surprised. "This is the only way in which we can account for the casualty and our answer therefore. . . ." So the Assessors evidently agreed with the judge. Poor Assessors! Have they ever sailed such vessels so found and manned, or are they afraid to

— SPEAK UP?

NEGLECT OF DUTY.

Board of Trade, Marine Department, September 23rd, 1881.

WRECK INQUIRIES.—CASUALTIES.

SIR,—In reply to your letter* of the 19th ultimo, referring to the judgments of the Courts of Inquiry held under the additional Rule, dated the 30th October 1880, for formal Investigations into Shipping Casualties, I am directed by the Board of Trade to inform you that they do not, as at present advised, propose to interfere with the sentences passed by those Courts, or to take into consideration any such questions of compensation as that mentioned in your letter.

I am, Sir, your obedient servant,

T. H. FARRER.

The Secretary, Shipmasters' Society.

— LOOK-OUT MEN.

To the Editor of the "British Merchant Service Journal."

SIR,—At a recent Board of Trade Inquiry, one of the lawyers (who came all the way from London) told us that a ship-master had no business to exhaust his energies in the

* *Vide*, page 440.

daytime so much as to prevent his being able to look-out on the bridge at night.

This ought to be made known at the Mercantile Marine Offices and Custom Houses all over the Kingdom as the continual attendance with official logs, census returns, &c., &c., quite unfit a man for any lengthened exertion in getting a ship or steamer fairly out to sea.

The same authority says that the look-out man must be on the fore-castle, and should hold on to the anchors or capstan, blinding sprays notwithstanding. Would he be surprised to know that a steamer only two miles from our harbour actually washed away the iron capstan head, and had the look-out man been stationed there he must have gone over-board too. We therefore place our look-out on the bridge, where we are also obliged to place our side-lights.

A new steamer in her first pitch knocked away four ventilators and two stove funnels, the former, notwithstanding protests, were insisted on by a Board of Trade surveyor. Some steamers are obliged to ease their steam to send men forward to hoist the masthead-light. Naval dispatch boats are seen at sea with no look-out before the bridge. Our midship bridges are often as near the bow as the look-out bridge in many large steamers. In fact with few men we cannot risk their lives by keeping them unnecessarily and constantly in the

PICKLE.

P.S.—Cannot the *great* authority on tides and currents tell us when *off shore* commences and *in shore* ends, as there are three hours difference in many places?

THE SCAPEGOAT OF THE MARITIME LAW.

THE *Daily Telegraph* has recently published some very interesting articles on seafaring matters. One of these, entitled the "Skipper's Story," published 20th August, so

justly describes the feelings of many masters, who have suffered suspension for some reason which to them is unintelligible, or is wanting in common sense, that we give extracts from it. So cruel a recompense for the endurance exhibited, and such cynical treatment of a man, who having lost the savings of years is thrown upon the streets, deprived of the power to earn a living, should be made widely known, for whether the statements therein made are or are not strictly true the case is a typical one. The allusion to a master falling dead on the bridge of his vessel is in regard to an over-true story, the incident occurred on a Liverpool vessel, one that alone should put a stop to this wicked system of punishing men for their misfortunes.

We, however, more particularly call notice to the article, because it states that the policy of the maritime law obliges the Courts to find a scapegoat, and thus it backs up our constant assertions that the Courts are no longer Courts of Investigation, but of Condemnation, because the legal mind will not be content to seek simply for the cause of the casualty, but must find some one to punish. Perhaps the most undeniable proof of this was given in the *Engadine* case, where the presiding officer let the cat out of the bag, by saying to the counsel for the Board of Trade, at the opening of the investigation "If there is no charge against the master, who is it that is supposed to be responsible for the loss of this vessel."

"If you'll give your mind to thinking over what the command of a vessel signifies you'll agree with me that there's scarcely a duty in this life that's fuller of responsibility. It's not the value of a ship—though that weighs heavily, too—it's the lives you have charge of, whose trust in you is so complete, that if you have any feeling of honour in you, you can't accept such confidence without deep anxiety. The longer a man goes to sea as master the more this anxiety will

weigh upon him. Passengers and crew are alike bound to give him their confidence, but it is a trust that no honest man will ever get so used to as not to feel the heavy strain of it upon his conscience and his judgment while he is discharging it."

"It was only the other day that I read of a shipmaster obliged to abandon his vessel and falling dead on the bridge of the steamer that rescued him and his crew. I wonder what the public thought of that bit of news?—if they put the right significance into it, and understood that that man was only one of scores who have gone with broken hearts to their graves because of the loss of the ships they commanded and the ruin that came upon them afterwards?"

"‘And now, sir,’ said the narrator, drawing back and folding his arms upon his breast, ‘how do you think I was served on account of this misfortune that had comè upon me through no fault of my own? My certificate was suspended for six months. Every damaging question submitted was answered in the affirmative, and if it wasn’t for some little property possessed by my wife I should be a beggar, sir, at the age of forty-six, and, after having served at sea for twenty-eight years without a blemish on my character.’ ‘Can you not appeal against the judgment that condemned you?’ I asked. ‘Yes,’ he answered, ‘an appeal is open to me, but I daren’t risk the little money we have by trying that remedy. I don’t wish to speak ill of the courts that hear these marine cases; many of their judgments are as sound as sound can can be. But what shipmasters complain of is that the policy of the maritime law that’s brought to bear upon them obliges it to find a scapegoat. If a ship is lost somebody must be punished for it. Every act, including the act of God, is pressed against masters and officers. If it isn’t the captain it’s the chief mate, and if it isn’t the chief mate, it’s somebody else. There’s bound to be a culprit. That’s the feeling now among ship-

masters, sir, and I don't stand alone either when I say that the system they have of selecting Assessors from men who have quitted the sea isn't a very proper one, nor calculated to serve the interests of either judges or the prosecuted men. A man who quits the sea, however smart he may have been in his day, soon loses a good deal of his old knowledge. Nothing requires such regular and constant practice as the seafaring life, and I say it is not a fair thing for persons who have given up that practice to sit in judgment upon men whose misfortunes in numerous instances arise from a mass of minute maritime causes which only an expert seaman, who keeps abreast of his calling by remaining afloat, is qualified to handle. However, I've detained you long enough, sir, and I'm much obliged to you for listening so patiently. My story, I hope, will convince you that all the sea-grievances aren't in the fore-castle, and that if Jack has a deal to grumble over, the people who go to sea with him have their share of vexations too."

ELECTRICAL COMMUNICATION WITH LIGHT-SHIPS.

SOUNDING THE BOARD OF TRADE.

IN THE ADMIRALTY COURT. *Re S.S. Rowland* APPEAL.

THE PRESIDENT. THAT IS VERY VAGUE. TO SOUND THEM MAY BE A FIGURE OF SPEECH DERIVED FROM THE SUBJECT-MATTER OF THE INVESTIGATION, BUT SOUNDING THE BOARD OF TRADE MAY BE BEYOND ALL POSSIBILITY OF SOUNDING.

THE following official correspondence will prove how correct is the opinion of the President of the Admiralty Court as to the unfathomable depth of the mysterious Board

of Trade, and will show how vain is any attempt to get any soundings when the officials think that inconvenience may arise if the ground within their rule be properly surveyed and mapped out.

The best means of saving life at sea is one of great national importance and when the Board of Trade has thought fit to expend a large amount of public money in obtaining evidence on the subject, some very strong reasons must exist to justify the Board in refusing to publish the information, or in withholding it from a Society such as the Shipmasters' Society, which exists solely for the welfare of officers of the Mercantile Marine, although the publication thereof generally may not be considered necessary.

We particularly ask attention to the reiterated statement of the Board of Trade that the Report "has not been issued" and will not be issued from this department," and we will wait until the Board is forced to give some explanation of the suppression of a public document or some reason for not adopting either of these two courses—accepting or repudiating wholly or in part, the outcome of the inquiry they set on foot.

Shipmasters' Society, London, E.C., August 20th, 1881.

The Assistant-Secretary,

Marine Department, Board of Trade.

SIR,—I am directed to request that the Board of Trade will be so good as to furnish this Society with two copies of the Report of the Subsidiary Inquiry into the circumstances relating to the stranding of the *Indian Chief*, which it appears from the attached extract from the *Standard* of the 15th inst. has just been issued, but which I have been unable to procure.

I am, Sir, your obedient servant,

B. F. CRAMER, Secretary.

" WRECK OF THE ' INDIAN CHIEF.'—The loss of this vessel in January last on the ' Long Sand ' has led to an Inquiry with reference to the delay experienced in assistance reaching those in distress: Rockets, blue lights, and other means of signalling failed to draw attention from the shore for many hours, though the light-ship, not far off, saw the flare up and sent pigeons to the land with messages. Another vessel was in a similar strait at the same time. The Report of the Court of Inquiry, which is just issued, suggests that telegraphic communication should be established between light-ships and the shore, especially as the Telegraph Maintenance Company were prepared to undertake the work. Pigeons, especially when well fed on board, were very bad messengers; they were not likely to seek the land, and in many conditions of weather it would be impossible for them to do so."—*The Standard*, August 15th, 1881.*

Board of Trade, Marine Department, August 30th, 1881.

WRECK INQUIRIES.—CASUALTIES.

SIR,—In reply to your letter of the 20th instant, asking for copies of the Report of the Subsidiary Inquiry into the circumstances relating to the stranding of the *Indian Chief*, referred to in *The Standard* of the 15th instant, I am directed by the Board of Trade to inform you that no such Report has been issued from this office.

I am, Sir, your obedient servant,

THOMAS GRAY.

The Secretary, Shipmasters' Society.

* At a banquet given by the Mayor of Birmingham in November last, Mr. Chamberlain, the President of the Board of Trade, when returning thanks for the Ministry, referring to the *Standard* said :—" The *Standard* is " a Journal which I read with the utmost profit and interest and which I " find is usually most accurately informed."—Ed. B. M. S. ƴ.

Shipmasters' Society, London, E.C.,
The Assistant-Secretary, September 3rd, 1881.
Marine Department, Board of Trade.

SIR,—Referring to my letter of the 20th August, and your reply thereto dated 30th idem I am desired to forward for your information a copy of a letter received from the *Standard*, relative to the Subsidiary Inquiry *Indian Chief*, and at the same time I am directed to request that you will inform me when the Report received from that Court will be issued from your office.

Counsel appearing at the Inquiry said "The Board of Trade have great desire to foster any scheme for saving life at sea," and my Committee are anxious to see what recommendations have been made.

I am, Sir, your obedient servant,
B. F. CRAMER, Secretary.

"*The Standard*, Editorial Offices, 103, 104 and 105, Shoe Lane,
"Fleet Street, London, E.C.

"September 2nd, 1881.

"The Editor presents his compliments and begs to say that the Report respecting the *Indian Chief* was received from the Marine Department of the Board of Trade, where no doubt a copy could be obtained.

"B. F. Cramer, Esq., Secretary Shipmasters' Society."

Board of Trade, Marine Department, September 7th, 1881.

SIR,—With reference to previous correspondence, and especially to your letter of the 3rd instant, enclosing a copy of a letter received from the *Standard*, in regard to a paragraph which appeared in that paper on August 15th last, on the subject of the Subsidiary Inquiry instituted by this Board in connection with the loss of the *Indian Chief*. I am directed by the Board of Trade to inform you that the

Report of that Inquiry has not been issued, and will not be issued from this department.

The letter from the *Standard* may possibly refer to the Report of the Official Inquiry into the loss of the *Indian Chief*.

The Board are unable to say from what source the *Standard* obtained information with regard to the Subsidiary Inquiry, but they have ascertained beyond any doubt that the *Standard* did not obtain it from this office.

I am, Sir, your obedient servant,

HENRY G. CALCRAFT.

The Secretary, Shipmasters' Society, E.C.

Shipmasters' Society, September 8th, 1881.

The Assistant-Secretary,

Marine Department, Board of Trade.

SIR,—I have the honour to acknowledge your letter of the 7th inst., informing me by direction of the Board of Trade that the Report of the (Subsidiary) Inquiry into the loss of the *Indian Chief* has not been issued, and will not be issued from the Marine Department of the Board of Trade.

In reply to the latter part of your letter, in which the statement is made that the *Standard* may possibly refer to the Report of the Official Inquiry into the loss of the *Indian Chief*, I am directed to point out that the Report of that Inquiry, No. 925, was issued from the Board of Trade in March last, and consequently the *Standard* would not on the 15th August have stated that it has just been issued. Moreover, in that lengthy Report there is no mention whatever of telegraphic communication with light-vessels being suggested, nor is any information given relative to the effect of feeding pigeons on light-ships, and their inability to reach land.

I am, Sir, your obedient servant,

B. F. CRAMER, Secretary.

Shipmasters' Society, September 19th, 1881.

The Assistant-Secretary,
Marine Department, Board of Trade.

SIR,—I am desired to forward for your information the enclosed cutting from the *Daily Chronicle* of the 13th of August, wherein you will perceive that the statement is made that the Report of the Inquiry *re Indian Chief* has been just issued.*

Though the document has the appearance of having been curtailed, it permits of no doubt that the Report referred to is not the Official Report, but is that of the Subsidiary Inquiry, and it cannot but be a matter of great surprise that the Board of Trade should suppress a Report of far greater public interest than the majority of these publications, seeing that from its tenour it seeks to promote greater safety to life at sea, an object which, as pointed out in my letter of the 3rd inst., the Board of Trade expressed a desire to foster.

I am, Sir, your obedient servant,

B. F. CRAMER, Secretary.

Board of Trade, Marine Department,
7, Whitehall Gardens, S.W., 20th September, 1881.

"INDIAN CHIEF."

SIR,—I am directed by the Board of Trade to inform you that your letter of the 19th inst. has been received; that it will be considered in due course, and that a further communication will afterwards be addressed to you if the Board so direct.

I am, Sir, your obedient servant,

THOMAS GRAY.

The Secretary, Shipmasters' Society, E.C.

* Other daily papers were applied to for a copy, but without success.

The strenuous efforts of the Committee of the Shipmasters' Society to obtain a copy of this report deserve the highest praise. They are gentlemen keenly interested in all matters relating to the saving of life off the coasts as being of the greatest importance to all who go to sea either as crew or as passengers, and having had many years practical experience they are better fitted to found sound opinions on the means suggested than are those on whom the Board has chosen to lean.

While on this subject, we desire to call to our reader's recollection, an article under this heading in our April number, wherein we brought to notice the invention of Mr. Pryse Protheroe a member of the Shipmasters' Society, an invention we understood he carried to the Board of Trade and to other departments and offices in order to obtain a fair trial of his scheme, but we believe without meeting with proper and due encouragement.

In that article we mentioned that the counsel for the Board of Trade in the *Indian Chief* case had stated that the Board expressed a great desire to "foster any scheme for saving life at sea" and that it was seriously considering the matter of "electrical communication with light-ships."

When in face of the denial of the Board of Trade we found the daily papers all agreed in stating that the Report of the Subsidiary Inquiry had just been issued, and all gave some short account of it, we set to work to obtain a copy of it. Just then a pamphlet was placed in our hands written by a Mr. Cadogan Rothery. This we opened with much eagerness, for in our April number we had written, "From a humanitarian point of view, the efforts of Mr. H. C. Rothery in this direction are most admirable, and any publicity we can give to his views we desire to do" and we naturally thought that the Wreck Commissioner had at last made some good use of his time, and of his experience in inquiries into shipping casualties, and that it embodied his

views on the subject. We will own to a disappointment, the pamphlet is written by Mr. R. Cadogan Rothery; but as this gentleman does not give the details of his scheme, we cannot form an opinion thereof, and can only suggest that it should be submitted by the Board of Trade with other schemes for effecting the same end either to a Board of practical men, or if preferred, for report by their own special inspector, the Wreck Commissioner, who will doubtless be as impartial in regard to the scheme of his relative or namesake as he is in other inquiries.

Spurred by the failure of the Society shown in the correspondence, we did our best, and have at last succeeded in obtaining a copy of the Subsidiary Report. In lieu of publishing the whole of the Report, we give first the condensed notice as published in the *Daily Chronicle* and then the part omitted by the press. Whether this latter part was withheld by those who have furnished the daily papers with a report which "*has not been issued and will not be issued*" by the Board of Trade, we cannot say. The copy we have is undoubtedly a document published by the Board of Trade, the official marks thereon being M 110818. Q 6339. 100.—5/81. Wt. 2424. E. & S.

What the Board may mean by the twice-asserted statement we do not understand, it seems an attempt to stifle inquiry by refusing to be sounded. Reading between the lines, a reason for such a proceeding may be found, but it is not one that should govern a public department.

Certain it is, that if the Board does not mean to publish a report it should not strike off 100 copies, and it should exercise a proper control over those to whom official confidential copies have to be sent.

It may serve a good end to learn who has set at nought the standing minute of all Departments against communicating to the press the contents of confidential official documents.

THE WRECK OF THE "INDIAN CHIEF."

Daily Chronicle, 13th August.

Some time since a Board of Trade inquiry was held into the circumstances attending the wreck of the *Indian Chief* on the Long Sand, which caused a great loss of life. It will be remembered that the crew of the Ramsgate lifeboat on that occasion lay by the wreck, in a wild sea, for 36 hours, and owing to the heroism they displayed, the Board of Trade presented them with a silver medal, and a public subscription was got up on their behalf. The official report has just been issued, the inquiry turning mainly on the means taken to afford assistance to the crew of the *Indian Chief*, and into the conduct of those in charge of the light-ships and lifeboats in the neighbourhood.

The official report stated that the *Indian Chief* was a sailing ship, bound from Middlesbrough to Yokohama, with a general cargo, and a crew of 28 hands. She struck on the Long Sand on January 5 last, and two hours previously the screw steamship, the *Nymphæa* also struck on the same Sand. No assistance having come to the crew of the latter vessel, at about noon of the same day, they launched their boat, and having got into it, succeeded in reaching a steamer which was lying at anchor, and were subsequently landed at Gravesend. The crew of the *Indian Chief*, however, after several ineffectual attempts to launch their boats, in the course of which two hands were drowned, found themselves compelled, as night came on, to take to the rigging, 15 going to the mizen, and the remaining 12 to the fore-rigging. During the night both the main and mizen-masts went over the side, taking with them the 15 men who had gone into the mizen rigging; but between eight and nine of the following morning the Ramsgate lifeboat came up, and succeeded in saving the other 12 hands, who were safely landed at about 2.30 p.m. the same day at Ramsgate, except the

second mate, who died on the way there. Under the circumstances an inquiry was ordered for the purpose of ascertaining how it happened that so long a time elapsed before any boat had gone to the assistance of the shipwrecked crews. In the course of that inquiry it was elicited that both vessels signalled for assistance by throwing up rockets, burning blue lights, and a "flare-up," which they continued to do till daylight. The crew of the *Sunk* light-ship saw the flare, and considered it a signal for a pilot, but at daybreak the *Indian Chief* was seen, after which the usual signals were made for assistance—they firing guns and sending off pigeons, some of which did not reach land till some days afterwards.

The first question the Court had to determine was as follows:—Was every effort made by the masters and crews of the several light-vessels, by means of the signals at their disposal and otherwise, to obtain prompt assistance for the wrecked vessels? The first duty of a light-ship is to keep its light burning brightly so as to warn ships from approaching too near to some dangerous sand or reef; and it is no part of its duty, nor has it the means of rendering assistance to vessels in distress. All that it can do if it sees any vessel in danger is to give information to any passing boat or vessel, or to the shore, leaving it for others to bring material aid. On the whole it appears to the Court that no blame whatever attached to any of the persons on board the light-ships, who, as soon as they became aware of the wreck, appeared to have done all in their power to obtain prompt assistance from the shore. The next question was—Was a proper look-out kept on board the light-ships, and were the rockets and other signalling apparatus in good condition and ready for immediate use? There is nothing in the evidence to show that there was not a proper look-out kept nor that the rockets and other signalling apparatus were not in good condition and ready for immediate use. The third question

was—Was the Harwich lifeboat *Springwell* well suited for the needs and duties of that station, and was she kept or moored in the most favourable and convenient position? There could be no doubt that there had been from time to time demands made for a large boat for Harwich, all parties agreeing that such a boat would be better able to beat to windward than a smaller one, and it has since been determined that a larger boat should be provided. Question four was—Whether the Harwich lifeboat was properly manned and ready to leave the harbour without unnecessary delay after the receipt of the intelligence of the wreck? On the evidence there was no reason to come to a contrary opinion. As to the fifth question—Whether every possible effort was made by the coxswains and crew of the Harwich lifeboat to reach the wreck? Seeing what the Ramsgate and the Clacton lifeboats did, the Court was not prepared to say that the Harwich boat might not have gone to the wreck. The sixth question was as to whether “proper means were in readiness at Harwich for the speedy despatch of the lifeboat;” and on the whole the Court could not think that anyone was to blame. Then in regard to the seventh question whether “the Ramsgate tug, in proceeding with the lifeboat in tow to the supposed scene of the wreck, did take the course which was most proper under the circumstances?” It would have been in the highest degree imprudent for the master, in the then state of the weather, to have gone through an unbuoyed and unlighted channel like the Knock Deep. The last question which the Court was asked was—Whether present communications with the shore are satisfactory, and, if not, in what respect those communications have failed? This, indeed, was not the first occasion to which this question had been brought prominently before the Court. In the case of the *Deutschland*, a large German passenger steamer, which was wrecked on the Kentish Knock on December 6, 1875;

and in their report upon that case it was said :—"The most obvious mode that presents itself of establishing a communication between the light-ship and the shore is, of course, by means of a telegraphic wire. We were told that there were difficulties in the way, owing to the impossibility of keeping the telegraphic wire clear of the cable, by which the vessel is riding. On the other hand, we were informed that there had been some such communication established between the shore and a vessel anchored away out beyond the Land's End, and that no difficulty of the kind was experienced in that case, and the only reason, as we were informed, that the vessel was removed was that, commercially, it was a failure, only three vessels having communicated with the floating ship during the six weeks that she remained at anchor there. And, further, it is sufficient here to say that if telegraphic communication could be established between the light-ship and the shore it would undoubtedly be the best plan, as it would be available equally by day as by night."

This notice by the *Daily Chronicle* was the longest published. It appears on the face of it to have been taken piecemeal out of the official report, portions of answers to the questions being evidently left out. But as we can see from the copy of the Report in our possession these omitted portions are of no great interest to the public, being chiefly the arguments and the assertions that seem to have satisfied the Wreck Commissioner, and as his opinions thereon are only those of a landsman, they are of no value in a practical sense. Our information, however, leads us to believe that in one important point, touching on the lifeboat, he has either been misinformed or has made some mistakes in writing his report. The point to which we allude will so, we understand, be brought forward at the Public Meeting which has been convened by the Lord Mayor for the 18th instant, at the request of the inhabitants of Ramsgate, and a large number

of the citizens of London, "to consider the need of establishing telegraphic communication between lighthouses and light-ships and the shore, with a view to prevent as much as possible the great loss of life from shipwrecks on our coasts."

This notice of the Report is however sufficient to show the questions put by the Board of Trade. It finishes by giving a portion of Mr. Rothery's report on the loss of the *Deutschland* on 6th December, 1875. We now proceed to give *in extenso* the rest of this,

SUBSIDIARY REPORT ON THE LOSS OF THE "INDIAN CHIEF."

"On this Report being sent in, a good deal of discussion took place between the Board of Trade and the Trinity House as to the best mode of establishing a communication between the light-ships and the shore, and a copy of the correspondence which passed between them, as well as the minutes of the officers of the Board of Trade thereon, have been laid before us. From these, as well as from the evidence of Captain Webb and Atkins, two of the Elder Brethren of the Trinity House, who as members of the Light Committee had taken a leading part in the discussion, it would appear that there were three proposals under consideration for establishing a better system of communication between the light-ships and the shore, namely, the improvement of the rocket system, the use of carrier pigeons, and the laying down telegraphic wires to the lightships. According to the evidence of Captain Webb, the Light Committee, of which he was the chairman, and to which the question had been specially referred, recommended to the Trinity House Board that the establishment of telegraphic communication between the light-ships and the shore was quite worth an experiment; and he told us that the views of the Board at the time were fully expressed in their letter of the 25th of January, 1876, of which the following is a copy :—

“ ‘ Trinity House, London, E.C., January 25th, 1876.

“ ‘ SIR,—Adverting to the revival by a recent painful occurrence of the question of the practicability and expedience of establishing telegraphic communication between light-ships and rock lighthouses and the shore, I am directed to submit the following observations for the consideration of the Board of Trade.

“ ‘ It would seem from the experience obtained by the wreck of the *Deutschland*, that at night the use of rockets fired in the direction of the wreck from vessels at such long ranges from each other as even the Kentish Knock, Sunk, and Cork light-vessels, is substantially adequate, and that it is only for the daytime at stations unsuitable for the use of guns (such as Rock stations), or where the distance is too great (as between the Kentish Knock and Sunk, &c.) for the gun to be heard, that telegraphic communication is really wanted, and that the need for its use, which is happily very infrequent, may, by constant increase in the precautions of navigators and of improvements in machinery, be still further diminished.

“ ‘ Nevertheless, and although the problem of a permanent communication is beset with great and peculiar difficulties, it has seemed to the Elder Brethren that they would be justified by the analogy of their proper duty if they investigated the matter somewhat closely, and they have accordingly had under consideration not only the proposals transmitted in recent letters from your Department respectively so far as those proposals were set forth, but others which have been made directly to them, together with suggestions emanating from members of the Board itself. Amongst other proposals the receipt of an intimation from the Telegraph Construction Company that they would be happy to lend pieces of cable for experiments, has led to an inquiry as to incidental charges, and from the terms of the

reply it will be seen that the Elder Brethren may count on very valuable assistance from that company in the direction of a telegraphic cable distinct from the moorings of the light-vessels. Another set of experiments on the basis of the telegraphic and mooring cables being incorporate might also be tried ; but as respects this plan the Elder Brethren have not as yet any very reliable data.

“ ‘ Before seeking for sanction to any expenditure in the matter, or pursuing it further, the Elder Brethren would be glad to be favoured with the views of the Board of Trade. Assuming that some plan could be devised by which the communication could be maintained, it appears to the Elder Brethren that a very considerable development in the public functions of the Trinity House would probably follow ; these functions have been hitherto rather for prevention than cure ; not only has the size of the vessel been kept down to the minimum for the exhibition of the light and fog-signal with a proportionately small crew quite incapable of rendering assistance except to those who could manage to board them, but there has also been the avoidance of any actual commercial object, but it seems to them that, if once it were a fact that a telegraphic communication existed between such stations, say as the Bishop Rock, Eddystone, Varne, or the Kentish Knock, and the shore, commerce would claim and not unreasonably its daily use.

“ ‘ It does not seem to the Elder Brethren there is much data for forming any very distinct ideas upon the final pecuniary outcome of such arrangements at present, but they can only say that, if the Board of Trade, having regard to these and like ulterior possibilities, are prepared to sanction the expenses, the Elder Brethren will, in conformity with their habitual desire to render every service to the Mercantile Marine compatible with their proper duties, be ready to make some experiments.

: “ ‘ I am to enclose herewith copies of the correspondence

between the Telegraph Construction Company, and the Elder Brethren on this subject.

“ ‘ I am, &c.

(Signed) “ ‘ ROBIN ALLEN.

“ ‘ The Assistant-Secretary,

“ ‘ Harbour Department, Board of Trade.’

“ On the receipt of this letter the matter underwent very careful consideration from the officials of the Board of Trade, whose minutes thereon (Paper marked H. 612-1876) have been laid before us for our information. And amongst those minutes I find one from Mr. Gray, the Assistant-Secretary for the Marine Department, in which he says that he doubts very much whether there is any general need for telegraphic communication between the light-ships and the shore, to convey information that assistance is needed, although he says there might be one or two special cases of the kind. But apart from this Mr. Gray thought that ‘ the physical difficulties of maintaining the shore ends of the cable would render its efficiency in stormy weather practically nil ;’ he adds however, ‘ as regards the alleged difficulty of maintaining the ends of the cable on board the light-ships in working order, I see nothing in that ; the merest child in mechanics could overcome it.’ He then goes on to say that ‘ in the case of the *Deutschland*, there is no doubt that a cable would have conveyed the message, and a tug might perhaps have been sent out earlier ; but that a cable from the Sunk to the Cork, or from the Sunk to the Foreland would be right across the entrance to the Thames, and would be constantly liable to damage by the anchors of ships.’ Mr. Gray then proceeds to discuss the question of the use of an improved species of rocket, and of the employment of carrier pigeons, which he tells us he had ‘ bred and flown for more than twenty years ;’ and he gives his reasons in favour of using rockets and carrier pigeons rather than a telegraphic cable

to communicate between the light-ships and the shore. These views appear to have been generally adopted by the other officers of the Board of Trade, and after a conference with the members of the Light Committee of the Trinity House, a letter was on the 23rd of February, 1876, written by the Board of Trade to the Trinity House, of which the following is a copy :

“ ‘ Board of Trade,

“ ‘ H. 1,244.

“ ‘ Harbour Department,

“ ‘ February 23rd, 1876.

“ ‘ SIR,—Referring to previous correspondence on the subject of means suggested for establishing communication between light-vessels and the shore, to your letter in particular of the 25th ultimo, and to the subsequent memorandum sent to Mr. Adderley by the Deputy Master, and to the conference at this office on the 18th instant, I am now directed by the Board of Trade to state that in their opinion it will not be advisable, for the present at any rate, to undertake experiments with a telegraphic cable.

“ ‘ They are, however, disposed to think that the experiments suggested by the Elder Brethren might be tried at one light-vessel to begin with, to ascertain whether carrier pigeons could not be utilised for the purpose of communicating between one light-ship and another, or the shore. A memorandum by Mr. Gray, who has had for some years experience in keeping pigeons, is enclosed, in case it may be useful to the Elder Brethren. It will be seen from it that the cost of the birds does not quite agree with the amount stated by one of the Elder Brethren at the recent conference.

“ ‘ Two original papers sent to Mr. Adderley are herewith returned, together with Captain Halpin's model and plan.

“ ‘ I am, &c.,

“ ‘ The Secretary,

(Signed)

“ ‘ T. H. FARRER.

“ ‘ Trinity House.’

"Mr. Mansel Jones was desirous of showing that that letter expressed the joint opinions of the Board of Trade and the Trinity House on the subject, but Captain Webb contended that that was not so, that it, 'was the Board of Trade's decision,' and he added, 'We then ceased to think anything more about it; we thought that it was as much as telling us that the expense would not be borne.' Thus the matter stood, and from that time it does not appear that there was any further question of establishing a communication between the light-ships and the shore by means of telegraphic cables.

"It will now be well to see what has been the result of the last five years' trial of the improved rocket system, and of the employment of carrier pigeons. And first, as regards the rockets; that they have of late years been greatly improved there can be no doubt, but as was pointed out in the Trinity House letter of the 25th January, 1876, they are of comparatively little use except at night, and as a matter of fact they were of no use in this case in communicating the fact to the shore, the wrecks not having been discovered until after daylight. I would add that, although rockets might show that assistance was required, they would not indicate the position of the wreck, nor the nature of the casualty. As regards carrier pigeons it seems to be admitted that they are of no use either before sunrise or after sunset, or in a thick fog, or snowstorm, or against a strong gale; and as wrecks more frequently occur on these sands either at night or in a fog, or a snowstorm, it would seem that carrier pigeons are of little use at times when their services are more especially needed; that they can reach the shore quickly and with comparative certainty in clear fine weather seems not to be a matter of much importance. Other objections to their use were also pointed out by Thomas Thompson, the man who has charge of them on shore: he told us that, if they are kept well fed on board the ships, they will not readily fly to

the land ; and that they require to be very carefully handled, for that, if one of the feathers of the pinions is injured, it prevents their flying ; and that it is very difficult to avoid doing this when it is blowing hard and the lightship is rolling about, as before being sent off, certain letters have to be stamped on the wings to indicate the nature of the casualty, as for instance, whether it is a steamer or a sailing vessel. That the employment, too, of carrier pigeons has practically proved to be a complete failure, would seem to follow, from a report made by Mr. Price Edwards to the Trinity House, dated the 10th of March last, and which has been brought in for our information. Mr. Edwards, it seems, had been deputed to proceed to Harwich, and make 'inquiry as to the general working of the carrier pigeon arrangements during the past winter,' and what he says is that 'the birds have been nearly successful on two occasions, and if the weather had been clear on the 20th February they might have done good service on that date ; but,' he adds, 'the fact cannot be disguised that the birds have not yet been the direct means of assistance being rendered in a case of wreck.'

" The two plans, therefore, to which preference was given by the Board of Trade, namely, of improving the rockets, and of employing the carrier pigeons, and which have now been in use for the last five years, having signally failed, the question is whether the other plan, that of establishing a communication between the light-ships, or some of them, and the shore, ought not now to be tried, and it is our decided opinion that it should be. Captain Webb and Captain Atkins, both of them very high authorities on such a point, are of opinion that it can be done without affecting the safe mooring of the lightships, a matter no doubt of the first importance ; and the objection that the wire would be likely to be injured by the anchors of ships is, as Captain Webb justly observes, one 'common to all submarine telegraphs.'

" I should add that, during the progress of this inquiry, I

have received from Captain Halpin of the Telegraph Construction and Maintenance Company, a letter, of which the following is a copy :—

“ ‘ Telegraph Construction and Maintenance Co.,
 “ ‘ Offices : 38, Old Broad Street,
 “ ‘ London, E.C., March 17th, 1881.

“ ‘ DEAR SIR,—It was in the year 1876 I submitted our scheme of connecting light-ships to the shore by means of submarine cables to the Deputy Master and Secretary of the Trinity House; it was discussed by them, and I received a letter stating that in the event of anything being done in the matter, I should hear from them. I made a verbal offer on behalf of this Company at that time to connect up one of the light-ships, any one they selected, and to maintain communication for one year free of cost, if successful, that they should take over the cable at a fixed price; if on the contrary it did not succeed, we would remove it free of cost. Excepting one letter which I refer to, there was no written communication passed on the matter. I will look up the letter from the Trinity House, and let you have a copy: the letter was addressed to me, and I think I have it at my house.

“ ‘ I remain, Yours truly,
 (Signed) “ ‘ ROBERT C. HALPIN.

“ ‘ H. C. Rothery, Esquire,
 “ ‘ &c., &c., &c.’

“ I understood Captain Halpin to say that the Company was still prepared to carry out the proposed arrangements, and to connect any of the light-ships with the shore, and to maintain the connexion for a twelvemonth free of cost. Under these circumstances, seeing that the present means of communication have failed; that in the opinion of many good authorities a telegraph wire can without difficulty be laid from the light-ships to the shore, which, without endangering

the safety of the vessel's moorings, would establish a communication, available by day as well as by night, and which would give the fullest information as to the nature and character of the casualty and the position of the vessel, which it is not pretended that the present means can do, we think that no time should be lost in making the attempt, more especially if the Telegraph Company are willing to carry their proposal into effect.

“ Dated the 30th day of April, 1881.

“ H. C. ROTHERY,

“ Wreck Commissioner.

“ We concur in the above Report.

“ R. ASHMORE POWELL. }

“ HY. HARRIS. }

“ A. RONALDSON. }

Assessors.”

PUBLIC BUSINESS.

THE inquiries which have been made by the Secretaries of the Shipmasters' Society, and of the Shipowners' Association relative to public documents, recall to mind the following extract from “Little Dorrit,” which appears especially suited to recent events.

On the occasion of Mr. Arthur Clennam making his fifth inquiry at the Circumlocution Office, he is received by Mr. Barnacle, Junior, who addresses him :—

“ Oh, I say. Look here! Is there anything that I can do? ”

“ You are very good,” said Arthur Clennam. “ I wish, however, to see Mr. Barnacle.”

"But, I say. Look here! You haven't got any appointment, you know," said Barnacle, Junior.

"No," said Arthur Clennam. "That is what I wish to have."

"But, I say. Look here! Is this public business? . . . Is it anything about—Tonnage—or that sort of thing?"

"No," said Arthur, "it is nothing about Tonnage."

"You are quite sure," said Barnacle, Junior, ". . . that it's nothing about Tonnage?"

"Quite sure."

With which assurance, and rather wondering what might have taken place if it *had* been anything about tonnage, Mr. Clennam withdrew to pursue his inquiries.

THE HOME OFFICE WANT TO KNOW, YOU KNOW!

IN our March number, under an article entitled "Assessors from Another Point of View," we suggested that a circular should be issued by the Home Office, asking each Assessor the question—

"When you sign the proceedings, do you mean thereby that you endorse the reasoning and the opinions expressed in the annex to the report?"

Whether the Assessors have been thus interrogated is not quite clear, but we do know that a circular has been issued for the purpose of ascertaining from the Assessors if they are *in any way* interested in shipping.

As we remarked in the article above referred to, the answers to this circular will astound those not behind the scenes.

THE
BRITISH MERCHANT SERVICE
JOURNAL.

NOVEMBER, 1881.—VOL. III.—No. XI.

NEGLECT OF DUTY.

THOSE masters who keep a watchful eye on the Marine Department of the Board of Trade will not be surprised at the reply given by the Board to the letter of the Committee of the Shipmasters' Society of London, regarding the illegal constitution of certain Courts of Inquiry, and the consequent illegal punishment of several masters. This display of calm disregard to the need to mete out immediate justice, is an ordinary phase of the treatment received by the Mercantile Marine, and the plan of leaving matters to arrange themselves is a favourite way for getting out of a difficulty, but no one will assert that it is proper or commendable. The Board of Trade is not the only Government department that will allow wrongs to remain unredressed because the sufferers are too poor to set the Law Courts in action to obtain the justice due to them.

We published in our September number, page 440, the letter of the Committee of the Shipmasters' Society, and in our October number, page 495, the reply of the Secretary of the Board of Trade. The Committee became officially aware of the irregular proceedings by Mr. Chamberlain's reply in the House of Commons on 18th August, to Mr. J. Talbot's question as to the issue of a new

rule under the Shipping Casualties Act. Their letter was written on the 19th August, but no reply was given for thirty-four days.

The Committee having failed to obtain for those then under suspension, the remission of the unexpired term, or for those who had completed the term, any compensation for the wrong done, could do no more, than by furnishing us with a copy of the correspondence, to notify to those concerned the irregularity of their trial and to bring such wrongdoing or negligence before the bar of public opinion. It is out of the power of the Committee to force the Board of Trade to do as they should do—viz., to rectify the errors committed by their Courts of Inquiry. They can only urge the Board to take such steps as will aid the members of the service to obtain justice. They never knowingly permit any irregularity to pass unnoticed, and where no action has been taken it has arisen from the failure of the sufferer to give them full information.

This correspondence deserves attention. The Committee pointed out that two masters were at the moment under illegal suspension, and asked that their certificates should be returned. They further asked if any compensation would be made to four masters who had already completed the full term of their illegal suspension. The Board replied thirty-four days later, that as at present advised they did not purpose to interfere or to take into consideration any question of compensation.

It would appear that the punishment of masters is a matter of no moment whatever or is regarded as, at most, a small additional wrong that need not be noticed. When a system is unconstitutional from the beginning, a little more unconstitutional injustice doubtless seems beneath the attention of the Department as being too utterly insignificant compared to the providing of a few effete friends of those in power.

We try to conduct this Journal on the lines stated in the

first number for this year, and in watching over the interests of the Service, we months ago became aware of the improper way in which the rule alluded to was issued yet not published, and the reasons given to us in explanation were such as agree fully with the character of the whole system. Under the baneful pressure of vested interests and quite in disregard of the true welfare of the country, the rule was framed to reappoint as Assessors certain gentlemen who never had been qualified to sit, and to prevent whose useless presence in the investigation of important shipping inquiries the rules under the Statute had been framed. Doubtless for this purpose it was made essential to the validity of any rule to lay it on the table of both Houses of Parliament whilst sitting, or within thirty days of their reassembling if the rule were issued in the recess.

We have repeatedly referred, vide pp. 25, 88 and 265, to the appointment of unqualified Assessors and to the improper constitution of some of the Courts of Inquiry. The wise purpose of Lord Sandon in specially enacting in the Statute that any new rule shall be laid before Parliament, was formed, as he has stated, after more than a year's careful watching of the system with every advantage his position as the President of the Board of Trade gave him, and was notified under his own hand "in case hereafter it should be proposed to revert "in any way to the former system, by means of either new "rules or fresh legislation." Yet within three months those, whose pockets were injuriously affected by this attempt to insure justice to masters and mates and to bring the whole system of inquiries into shipping casualties "into harmony "with the fair and just requirements of the officers of the "Merchant Service," brought sufficient pressure to bear upon Lord Sandon's successor in office, as to cause the whole spirit of the Statute to be at once set aside, in order that some might be appointed to sit in judgment who never having commanded a steamer, are made qualified to sit in cases

where a knowledge of steam power is by the Statute declared requisite, others who are reputed to have had no experience whatever in command at all, and others whose qualifications could not, with the aid of the strongest machinery, ever be stretched to come within the requirements of the Statute. Death has removed some of these unqualified men, but the conduct of those who have set the Statute at naught by the subterfuge of rendering qualified men who never were qualified except as friends of those who appointed them, is none the less blameworthy. It is to them that is due the continued discontent of the service. The men themselves rarely do anything but follow the lead of the President of the Court, they seem content to sit in inglorious silence and to be willing to have foisted upon themselves opinions that no practical sailor, not in his dotage, could ever endorse. Let us hope that their knowledge of the impropriety of their presuming to decide upon the right navigation of a vessel by men who could metaphorically take the wind out of their sails on any tack, is the cause of their permitting landsmen to settle all nautical questions for them.

But there is a question we counsel them to get answered, What is their position should one of these suspended masters sue them for damages? They have not legally been appointed, they have exercised judicial powers and have illegally punished men. In such an action they cannot plead that the Board of Trade or the Home Office neglected to render them competent. The negligence of either Office will not solve them, and if they allow themselves to be foisted into billets for which they lack the necessary qualification they must accept the consequences. Of course the Board of Trade would pay their expenses out of the Mercantile Marine Fund, or the Board might deem it advisable to stay an action by compensating the plaintiff and thus avoid the discredit of exposing their employés to actions that arise from neglect of duty.

SUBSIDIARY REPORT ON THE LOSS OF THE "INDIAN CHIEF."

WE hope the Board of Trade will come to a wise determination for the reasons mentioned in our May number, p. 242, and will give this to the public with a full explanation of the reasons for suppressing it; of the course they purpose to pursue in regard to it; and in regard to the important subject of which it so very feebly treats—the preservation of life in danger on our coasts.

As to the publication of it, the Board have stated, "that no such Report has been issued from this office," and again "that the Report of that Inquiry has not been issued, and will not be issued from this department." Perhaps in an official sense these statements may be deemed correct insomuch that the Report has not been distributed broadcast, but "issued" it undoubtedly has been, for 100 copies have been printed, and a number sent out. We possess a copy and the daily papers were supplied. If this was done surreptitiously the Board should inquire who did it, and we suggest that at the same time they should ascertain how the *Times* was furnished with full information of the Report of the Tonnage Commission before the Report was presented. Whilst a standing order against communicating official information to the press exists any breach thereof should be punished, no matter how exalted the position of the offender.

That the Board should desire to suppress a Report which is little more than an attack upon itself is intelligible enough, but we hope the correspondence that must ensue between the Board and the Trinity House will ultimately be published, and the blame implied in the Report be proved to be ill-founded or misplaced, or if any attaches that it will be put upon the proper shoulders. The Board, at least, will not fail to see that these Courts invariably seek

not the cause of a casualty, but for some one to blame. Whom shall we blame is the leading thought throughout.

The Report appears to us to be based upon a misconception of the correspondence quoted in it, and to be little more than an attempt to fasten on the officials of the Board the responsibility for not adopting telegraphic communications between lightships and the shore. But the Board seems to have followed the advice of the Trinity House, and it requires an obliquity of mental vision to discover that the Board are responsible for not incurring an unknown expenditure in creating a system of which the Trinity House wrote, "the need for its use, which is happily very infrequent, may, by constant increase in the precautions of navigators and of improvements in machinery, be still further diminished."

We suspect Captain Webb has been misunderstood, or he must have forgotten the letter from which we quote, if he really contended that it "was the Board of Trade's decision" not to use telegraphic communications, or that the Trinity House was understood to mean that the expense would not be borne had they continued to urge the experiment.

The reason for quoting so many of Mr. Gray's opinions is well known. So far as telegraphic communication is concerned, he simply agreed with the Trinity House officials, and his view of the mechanical difficulties is sound enough, they had already been overcome. The real reason for not seeking Treasury sanction to an undefined expense is probably to be found in the fact that the system was not advocated by the Trinity House, as it might only prove of service once in five years.

We cannot be accused of writing on behalf of the Board of Trade, but in the matter of telegraphic communication we do not see that they are open to the censure implied in this Report. They ought not, however, to have withheld it because it is the report of a public Court. It is true the gentleman who presided claims to have the extraordinary

privilege of revising his judgments to such an extent as to render them unrecognisable by those who hear them, but he has signed this document and therefore admits his responsibility for it, had it only "fallen" from him it might be different. We doubt if the Board will value it at one-twentieth of its cost in coin. We see it is signed by the "Wreck Commissioner" and three "Assessors," but the Auditor General ought to look to this, for the Inquiry cannot be held to be within the definition of the duties for which the Wreck Commissioner and the Assessors are remunerated. To inquire into the conduct of lifeboat men or into the means of communication between lightships and the shore, cannot be "for the purpose of "rendering investigations into shipping casualties more "speedy and effectual," which was the avowed reason for creating the berth of the Wreck Commissioner, whose duty as laid down is "at the request of the Board of Trade, "to hold any formal investigation into a loss, abandonment, "damage or casualty," under the Act of 1854. See our remarks in March, 1881, p. 131. It may be a loxodromic method of getting round the Auditor to call this a Subsidiary Report, but the taxpayers will think that in paying a man an enormous salary for writing ridiculously useless reports, they are justified in demanding that the whole of his time be given to his special duties, however useless they may be, and that he be no longer pushed into positions which can be better filled by sound men.

After all this expense we know no more as to the best plan for telegraphic communication than we knew in 1876, but in the interests of the Mercantile Marine the money is not quite thrown away as instance has been furnished of the utter uselessness of these Courts of Inquiry which immediately touches the Board of Trade. We have often referred to the composition of these Reports as being a medley of facts, suppositions, presumptions, weak arguments, and in-

formation of a very general nature. We have noted cases in which owners are accused of "standing to win" by the loss of their vessels and the crews, we have had a case where a man was calmly accused of wilful murder, and we now have a scarcely veiled attack upon the Board of Trade. But in not one Report have we seen one useful or practical suggestion; we have had many exploded theories, each one of which is laughed at by all except those who have suffered from the application of them to the ascertainment of the cause of a casualty.

We will do as these reports never do, we will finish with a practical suggestion by following which we guarantee the Board of Trade will make up much of the leeway it has lost in the opinion of the Mercantile Marine. This is, that Mr. Farrer will read first the questions we put to the Board in our September number, specially noting the applicability of the anecdote about the tiger whelp. Secondly, an article in our present number on Courts of Inquiry in the Army, in the Navy, and in the Mercantile Marine, and then to ponder well upon the advisability of carrying out some of these telegraph experiments, and in order to insure finding the means of paying for them to take the strong and wise step of abolishing the Wreck Commissioner's Court—the enormous cost of which useless tribunal will more than pay for much more certain methods of reducing the loss of life at sea—and in place thereof to relegate to the Local Marine Boards the duty of deciding upon the fitness or unfitness of a master to continue in command, leaving to criminal prosecution the punishment of all who are culpably negligent.

If Mr. Farrer will take this in hand at once he will find that—in this the winter of their discontent—the masters will thank him, even should he address them in the words of the Turkish proverb :—

"Die not, O my ass, for the spring cometh and with it clover."

OUR MERCHANT NAVY.

“THE position occupied in the world by the Merchant Navy of England cannot be other than one of great pride to every Briton. When we look upon our Mercantile Marine as a whole, there is nothing comparable to it. Yet our Merchant Navy labours under many disadvantages chiefly in regard to its *personnel*. Foreigners mainly comprise the crews of thousands of our ships. But the fact of the ships being commanded and officered by Englishmen—we use the title in its broadest sense—makes up for many shortcomings. It is really astonishing the amount of work done by our Merchant Navy with its scantily manned polyglot crews. Presumably in these days of competition, coupled with other causes yet to be remedied by more enlightened legislation, there is no help for employing so many foreigners. Year by year, however, the number is said to be slowly decreasing, and with such officers already in the Merchant Service, and with the class now coming forward, sanguine hopes may be entertained that yet again our Mercantile Marine may become an efficient nursery and reliable supplement to our Navy proper.

“The heroism so often shown by the captains and officers of the Merchant Navy is second to none shown by other of England’s sons. The nation has just cause to be proud of this. There is hardly an account of a wreck or other disaster in connection with which some gallant act of self-sacrifice on the part of the captain and officers does not occur. It is true that here and there exceptions are noticeable, but they are so few and far between as to more than prove the rule. In the late account of the wreck of the *Cyprian* steam-vessel, what more self-sacrificing act could have been performed than that of her commander, Captain Strachan, taking off his life-belt and putting it on a boy who was not

part of his crew but a stowaway. The boy was saved. The captain was drowned. Is not an act such as this worthy of 'a painter's pencil or a poet's song?' The records of gallant deeds performed by our Merchant Navy, had they been kept, would prove second to none. There are perils constantly arising at sea, which call forth more real bravery to meet them than any battle. The excitement accompanying the latter is altogether wanting. It is no mortal foe that has to be met. It is the elements themselves, and to conquer these requires a cool calculating courage partaking much more of the 'moral' and 'physical' than of the 'animal.' The term 'British bulldog' has long been a national appellation. But it is not applicable in the sense we mean.

"That there is a feeling of estrangement, if not of actual jealousy, between the Royal Navy and the Merchant Navy, we well know. But the 'why' and the 'wherefore' for such a feeling in the *present* time are not so easy to comprehend. Faults, no doubt, exist on both sides. To the Navy we can only say that there are officers in the Merchant Service who, from birth, education, or gentlemanlike demeanour, are entitled to mix in any society. The officers of our Royal Naval Reserve are presented at Court; yet the social barrier between the two navies, so to speak, still remains. Why should this be? In the true interests of the country every endeavour should be made, and recognition in high places should be given, for bringing about a closer relationship between our Royal and our Merchant Navy."—*United Service Gazette*.

A FRENCH LIGHT ON AN ENGLISH COURT.

"Oh! wad some power the giftie gie us
To see oursels as others see us."

IT is sometimes well to see ourselves and our institutions by reflected light. We therefore think no apology necessary for laying before our readers the views of an eminent French lawyer on the case of a judge, uniting in his own person the functions of judge, jury, and examiner.

M. Cottu was deputed by the French Government soon after the re-establishment of liberty and Constitutional Government in France after the first Empire, to report on the principles of English law and administration of justice. At that time, it is needless to say, that a man was tried by his peers in all cases, in accordance with the proviso of Magna Charta, that *nullus liber homo capiatur, vel imprisonetur, aut exulet, aut aliquo alio modo destruatur, nisi per legale iudicium parium suorum*, and the judge, so far from examining the person charged with an offence, was by a "noble declaration of the law" . . . "counsel for the prisoner" (Blackstone, vol. iv., p. 355), and not only abstained from himself finding a verdict, but even from directing one, being of opinion, as observed by Sir Matthew Hale, that "it would be a most unhappy case for the Judge himself, if the prisoner's fate depended upon his directions; unhappy also for the prisoner; for if the judge's opinion must rule the verdict, the trial by jury would be useless" (2 Hale, P.C. 313).

M. Cottu, after examining our system of law, thus refers to that in force in France, where, as now is so frequently the case in the Wreck Commissioner's Court, the judge examines the accused.

"I acknowledge that the questioning of the prisoner is often of very great service in arriving at the truth, and I will even confess that it is perhaps the most efficacious means of

discovering it. But if this reason be a sufficient justification of the practice, may not as much be said of the torture of that at least which was not applied to the culprit till after conviction?

"Besides these extremities to which we are inevitably led by the principle on which the questioning of the prisoner is founded; it nevertheless appears to me easy to show, even supposing it conducted with all possible good faith and mildness, that it is immoral, inhuman, and sometimes dangerous.

"It is immoral because always the result of surprise and ignorance.

"Is it not in fact certain that if the prisoner could have foreseen the consequences which would have been drawn from his answers, he would either have answered differently or not at all? It is then to his inexperience and simplicity that we owe the information obtained as to his guilt, and we should have remained in the uncertainty in which we were respecting it, had he possessed more ingenuity, more craft or more foresight. Upon what grounds too, can we dispute his right of remaining silent to all the questions put to him? Can we reasonably expect him to come and denounce himself? Does it not belong to the public to prove all the charges against him? Is he to assist then in an investigation of which the object is his own conviction? And further, is not his defence even of a just accusation, part of the law of nature? What would you do were all the prisoners more enlightened as to their true interests to resolve upon keeping strict silence? What means would you employ to make them speak?" (Cottu on Criminal Justice, pp. 262, 264. English translation.)

It will be observed that whilst he speaks in the strongest possible terms of condemnation of a system in which, be it remembered, he had been himself educated, he points out a means by which the simplest of mankind may baffle the

most astute of examiners, *i.e.*, by simple silence. It would remain to be seen, were that course adopted, what modes were open to the Court of the Wreck Commissioner or to the Board of Trade to compel a man to condemn himself. Probably in cases of gross default the evidence of persons not certificated, and therefore not liable to a penalty, would furnish sufficient proof to satisfy the ends of justice, but in all those cases, and I presume they are the majority, where the person incriminated was of opinion at the time he shaped a particular course, or did any particular act, that he was justified in so doing, or when he omitted to do something that it was not under the circumstances necessary, it would be extremely difficult to find positive evidence except from himself and his officers of the circumstances which caused the casualty, the very name, be it observed, signifying an *accident* as distinguished from a *default*. Surely no Court could deal with a man's certificate and means of livelihood without evidence, and to assume that silence meant guilt seems too directly contrary to the foundation of justice that "a man is assumed to be innocent till he is proved to be guilty" to be tolerated. What then can happen to a person charged, or to be charged, with an offence who refuses to give evidence, at most he could be committed to prison for contempt of Court, and that requires two very large assumptions, (1) that the Wreck Commissioner has any power so to commit, and (2) that such silence would be held by a superior Court to be a contempt.

But even supposing, for the sake of argument, that which is by no means admitted, namely, that both points are decided against the officer, would not his position still be a better one suffering as a martyr for the cause of freedom, and keeping his professional character free from stain, than losing at once his reputation and his means of livelihood ; moreover, the fact of a person remaining in prison without trial, simply on the warrant of a magistrate, would draw public attention to the

present system of justice administered to officers of the Merchant Service in the same way, but much more strongly than in the present notable case of the Ritualist clergymen, they, at all events, after direct judgment declaring certain practices illegal, are taken, as it were, *flagrante delicto* in doing the same things, and their committal for contempt is the act of the Highest Legal authority.

In conclusion we cannot refrain from quoting the words of perhaps the most lucid writer of the present century in the cause of freedom. He says, with reference to the contrast between the English and French character, and the tendency of the latter to develop anarchy or despotism, that—

“Such is their anxiety to protect society against criminals, that, when an offender is placed at the bar of one of these Courts, there is exhibited a spectacle which it is no idle boast to say we in England could not tolerate for a single hour. There is seen a great public magistrate, by whom the prisoner is about to be tried, examining him in order to ascertain his supposed guilt, re-examining him, cross-examining him, performing the duties, not of a judge, but of a prosecutor, and bringing to bear against the unhappy man all the authority of his judicial position, all his professional subtlety, all his experience, all the dexterity of his practical understanding!

“This is, perhaps, the most alarming of the many instances in which the tendencies of the French intellect are shown; because it supplies a machinery ready for the purposes of absolute power; because it brings the administration of justice into disrepute, by associating with it an idea of unfairness; and because it injures that calm and equable temper which it is impossible fully to maintain under a system which makes a magistrate an advocate, and turns the judge into a partizan.” (Buckle, History of Civilization, Vol. I., p. 570.)

That such may not be the result of this small beginning of the French system in this country ought to be the wish of all, and that justice should be meted with as even a hand to the officers of the Mercantile Marine as to every other free man must be the sincere desire of all who have the interest not only of that service but of the cause of liberty and right at heart.

COURTS OF INQUIRY.

MILITARY, NAVAL AND MERCANTILE MARINE.

PEOPLE with a slight knowledge of the peculiar nature of the last-named of these tribunals seem sometimes under the impression that master mariners are very unreasonable in their denunciations of them, because to these partially informed critics these Courts appear to be almost identically the same as those to which officers in the army and navy are subject, and to which such strong objections are not raised.

We purpose to throw a little light upon the subject, and, by marking down the essential differences existing in the Courts in the three services, to try to justify in the eyes of the public the apparently peculiar action of the masters, and thus to clear them from the imputation that they desire a greater freedom from rules or a more lax system of justice than is recorded to the sister services.

We will start with the assertion that Courts of Inquiry in the army and navy are Courts assembled by the officer in command to assist him in arriving at a correct conclusion on a subject on which it is expedient for him to be thoroughly informed, while Courts of Inquiry in the Mercantile Marine are Courts assembled to ascertain the cause of a casualty, *and to punish the wrongdoer if an officer.*

Those who defend the system deny this, but every

impartial person will see that in almost every case the counsel for the Board of Trade states that in the opinion of the Board the certificate of the officer should be dealt with. The effect of which is, the Court either acquits or punishes the officer, and the whole Inquiry turns upon whether he did right or wrong throughout the voyage, the cause of the casualty if not immediately resulting from the acts of the master being almost disregarded.

The system of Military Courts of Inquiry may be thus described: A Court of Inquiry may be assembled by any officer in command to assist him in arriving at a correct conclusion on any subject on which it may be expedient for him to be thoroughly informed. With this object in view the Court may be directed to investigate and report upon any matter that may be brought before it, but, except in some cases provided for, it has no power to administer an oath nor to compel the attendance of witnesses not military.

A Court of Inquiry is not to be considered in any light as a judicial body. It may be employed to collect and record information only; or it may be required to give an opinion also on any proposed question, or as to the origin or cause of certain existing facts or circumstances. Specific instructions on these points are always to be given to the Court.

The proceedings are to be recorded in writing, signed by each member, and forwarded to the convening authority by the president.

A Court of Inquiry generally consists of three members, the senior sitting as president.

The Royal Navy regulations are intrinsically the same as in the army, and we give the following extracts:—

“A Court of Inquiry has no power to award any punishment; it can only recommend.”

“It has no power to examine on oath.”

“Every person about to make a statement or answer a question likely to criminate himself should be cautioned by

the Court that what he is about to state may be made use of against him. All such cautions should be recorded in the Minutes."

"The proceedings of a Court of Inquiry should not be produced before a Court Martial, though they may be used by the Judge-Advocate when necessary."

The Legislature in passing the Acts which regulate the discipline of these two branches of Her Majesty's Service, do purpose to secure to each member of either force so much justice and so much of his right to the privilege of every subject of the realm—trial by his peers—as is compatible with the rules and the regulations that the experience of many years has proved to be necessary to keep these forces in a fit and proper state of discipline.

Very little consideration will teach a man of sense, and a very little personal experience will convince the most thoughtless how utterly impossible it would be to maintain discipline in a body of men, military or naval, if the Civil Law were made the only controlling power. It is so requisite for the convenience of all that certain things should be carried out at a named time in a particular way, for which no absolute reason can be given, that would seem all convincing to a civilian called upon to punish the man who failed to obey the order. Yet the failure of one man to do his duty might cause an infinity of trouble for which any ordinary punishment of fine or imprisonment would be totally inadequate. In days when rougher habits prevailed, there may have been a stern necessity to control the more brutal temperaments by the dread of the triangles or of the grating. In these more civilized times, however, human nature has not so softened that men when massed together can be kept in proper control, unless those who govern them have power to dispense with some of the safeguards by which individuals in civil life are protected from the wrong doing of those more physically powerful.

But with the necessity to have special laws for soldiers and sailors, there is no attempt to deprive them of the right of being deemed innocent until they are proved to be guilty, they are never forced to speak nor bound under penalty of punishment to say a word against themselves. The worst conducted soldier or sailor, the man never free from punishment who is perpetually in trouble, is never called upon to prove his own offences, he may stand mute if he so chooses, but his sentence is not increased in consequence.

As is the treatment of the man so is the treatment of the officer. If one of this class should fall away from the high standard laid down, his conduct is first made the subject of a Court of Inquiry in order that, as we have stated, the officer in command may have such information as will enable him to decide whether to assemble a Court Martial, or simply to caution the supposed offender. Not until the Court of Inquiry has made its report is the ultimate tribunal—the Court Martial—resorted to.

A recent writer in the *United Service Gazette* strongly condemned Courts of Inquiry in the Royal Navy as secret tribunals, by means of which men can be utterly ruined without any possibility of obtaining redress. He called them Star Chamber proceedings, and stated that men are condemned unheard on evidence not taken on oath, and therefore liable to be framed to suit the views of the officers who convene the Courts.

We cannot say that such things have not been done, unfortunately military men have suffered as well as naval men, but such iniquitous proceedings are but the misapplication of a fairly sound system. There are sometimes cases that puzzle the authorities. The information collected by a Court of Inquiry may not suffice to prove the absolute guilt of the officer, and yet may abundantly justify the exercise of the prerogative of removing him from active employment in order to prevent his doing any more harm. The system

may sometimes be stretched, but the nuisance does not prove it to be a wrong one ; under every system, however legally sound, will be found some hard cases.

But the system of Courts of Inquiry in the Mercantile Marine is the most iniquitous of all, and is in almost every particular the reverse of these other Courts as to procedure, powers, and results.

For example—a military or naval officer has in the opinion of his superior done wrong, or his explanation of his conduct is not satisfactory. A Court of Inquiry is assembled of officers of his own service, if possible senior in rank so that no question of personal interest can arise ; he appears and can cross-examine the witnesses who are not on oath, but he can give or can abstain from giving any statement himself, and no pressure is put upon him ; assuredly he is not forced to give evidence at all, and most certainly he is not sworn to give evidence against himself.

But a master mariner has no such just treatment. When a casualty occurs no matter whether arising from his own fault or from the act of God, so soon as he touches British soil he must report himself within twenty-four hours and give every little detail that a Receiver of Wreck may choose to ask ; some 176 questions are officially drawn up for this pumping operation. These answers can be forced from him on oath, if he refuses he can be fined £10 for every offence, and be imprisoned on non-payment, and would most probably find his certificate cancelled in addition, and without a certificate he cannot find employment.

Most masters think they have good reasons or good cause to explain the casualty so as to exculpate themselves, and they readily answer the questions however damaging they may be, and universal testimony has been paid to the truthfulness of their statements.

Some time after, perhaps months, when it may suit the convenience of the official, the master receives a subpoena to

attend, and to give evidence. He appears, is sworn, gives evidence, is not improbably badgered, or is told he is a fool, and then he is convicted out of his own mouth and is punished for what is called negligent navigation, the test of this negligent navigation being what a lawyer who has never been to sea may think ought to have been done under the circumstances, and often the cases are not settled on the evidence given, but on the view the official may take.

This is an unvarnished statement and must convince the most sceptical that all Courts of Inquiry are not alike.

Writing on the new Military Code, the *Standard* said:—

“ Complicated cases may sometimes arise, in which the legal acumen of officers is found at fault, but on the whole the Military Code is founded on common sense, and Court’s Martial decide questions on their merits rather than on technical questions. They are of the nature of Courts of Equity, and, speaking generally, soldiers would rather be tried by them than by Civil Courts.”

If Mercantile Marine Courts were constituted in a similar manner, that is, of men in the service—men who had commanded vessels at sea, the same remark could be made, but they are not—they are in London at least, composed of a lawyer full of crotchets as to shipbuilding, tonnage, and navigation, who conducts the cases in a manner that angers every man who has to attend. He pays little heed to those who sit on the bench with him. Probably because he knows the majority of them to be men of either no experience in the present type of vessel or whose experience at sea is of so antiquated a period as to justify the little attention that is paid to them.

The only Courts that will be useful or will satisfy the desires of masters should be composed of eminently practical sailors assisted by a lawyer—one of the sailors to preside. To such Courts masters will accord implicit confidence—they will, however, expect to meet even more harsh treatment

when they have been culpably negligent but they will not be punished for the faults of their owners or on account of some new fangled theory on the cause of casualties.

But the proper system would be to make them truly Courts of Inquiry, leaving the punishment to another Court. The Government will find that if a man has been wrong—whether tried for it or not—the owners will not employ him, and thus without resorting to this vindictive method of trying to lessen the number of casualties the Government will find the masters as fully punished as can be necessary,

TONNAGE MEASUREMENT.

THE Report of the Royal Commission on Tonnage has recently been republished by Messrs. Pewtress and Co. and J. D. Potter, with a very interesting preface by an anonymous writer.

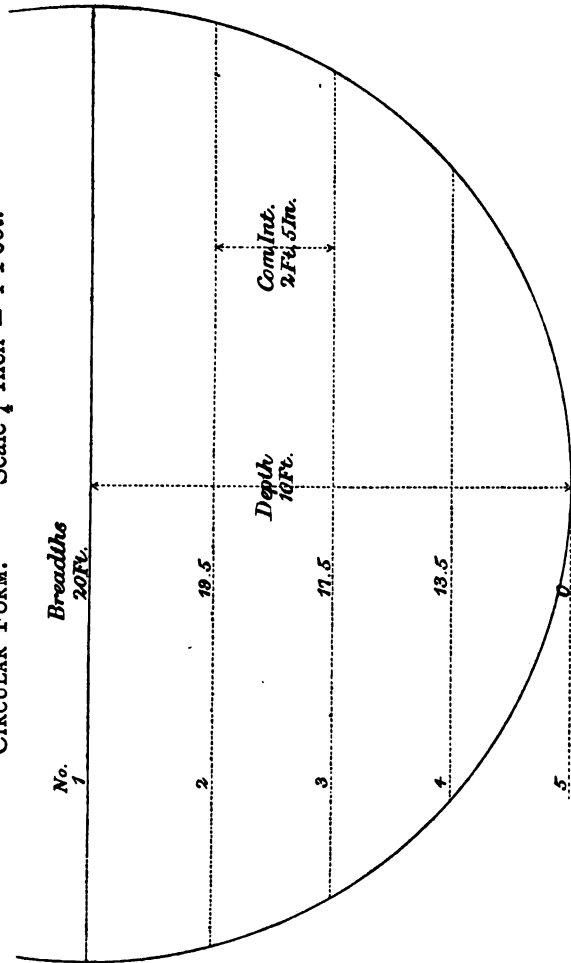
In this preface is paid a very just tribute to Mr. G. Moorsom, who in 1852 published a review and an analysis of the Laws of Tonnage, and whose system has been in use ever since.

We are indebted to one of our subscribers for the annexed diagrams. Whilst sending them he expresses his inability to compare Moorsom's book with others since published, but as he says in this scarce work will be found the whole of the calculations and the formulæ which Moorsom used, and which being based upon geometry, cannot fail to attract the attention the subject so justly deserves.

FIG. 1.
PARALLELOGRAMIC OR WALL-SIDED FORM. Scale $\frac{1}{4}$ Inch = 1 Foot.

No.	Breadth 20 Ft.	Depth 12 Ft.	Com. Int. 3 Ft.
1			
2	20 Ft.		
3	20 Ft.		
4	20 Ft.		
5	20 Ft.		

FIG. 2.
CIRCULAR FORM. Scale $\frac{1}{4}$ Inch = 1 Foot.



To the Editor of the "British Merchant Service Journal."

SIR,—It gave me much pleasure to read in the preface of Report of Royal Commission on Tonnage, the tribute of praise paid to Mr. G. Moorsom and his able and excellent work, published so long ago as March, 1852. It is not my intention to compare it with others since published, for had

I the wish, I have not the ability; but what has impressed upon me the value of the work alluded to, is that the author spared no time or trouble to lay bare to the reader not only the basis of calculation, but every minute particular how he arrived at his conclusions. If you think the two examples annexed would prove interesting to your readers, I forward them for insertion in your Journal.

I am, Sir, yours faithfully,———H.

EXAMPLE I.

PARALLELOGRAMICAL OR WALL-SIDED FORM.

Suppose the upper breadth, or breadth at tonnage deck, to be 20 feet, and the depth 12 feet.

MEASUREMENT BY TONNAGE RULE.

Laws of Tonnage, by G. MOORSOM.

GENERAL FORMULA.			
Depth 12 feet \div 4 = 3 feet, the common interval between breadths.			
No.	Mul- tipliers.	Breadths.	Products.
1	1	20	20
2	4	20	80
3	2	20	40
4	4	20	80
5	1	20	20

240
1 is $\frac{1}{3}$ of 3. Com. Int.

Sq. ft. 240 area reqd.

MEASUREMENT BY GEOMETRY.

The area of a Parallelogram = breadth \times depth.

That is $20 \times 12 = 240$ square feet, area required, which is the same by tonnage rule.

EXAMPLE II.

CIRCULAR FORM.

Suppose the breadth to be 20 feet, and the depth to be 10 feet, making the area a perfect semicircle.

MEASUREMENT OF TONNAGE RULE.

Laws of Tonnage, by G. MOORSOM.

GENERAL FORMULA. Depth 10 feet \div 4 = 2.5 feet, the com. int. betn. breadths.			
No.	Mul- tipliers.	Breadths.	Products.
1	1	20	20
2	4	19.5	78
3	2	17.5	35
4	4	13.5	54
5	1	0	0

187
 .833 is $\frac{1}{4}$ of 2.5 Com-
 mon Interval.

561
 561
 1496

155.771 area. reqd.

MEASUREMENT BY GEOMETRY.

The area of a semicircle = $\frac{\text{rad}^2 \times 3.14159}{2}$

That is $\frac{10^2 \times 3.14159}{2} = 50 \times 3.14159 = 157.079$ square
 feet area required.

The difference 1.3 feet or $\frac{1}{4}$ per cent. would vanish in a practical sense by the employment of a greater number of breadths.

CORRESPONDENCE.

 THE TRIANGLES IN THE "BENIN" AND "DUKE OF
BUCCLEUCH."

To the Editor of the "British Merchant Service Journal."

SIR,—An article in your October number has, I think, cleared up a perplexing puzzle. I have pondered over the triangle quiddity in the *Benin* and *Duke of Buccleuch* case, but I cannot make out the Wreck Commissioner's argument, nor can I see that he has proved any point, for his own diagram is not necessarily drawn according to his proposition; he omits to produce the side which will make the exterior angle that is equal to the two interior and opposite angles. When he uses one of Euclid's problems he might at least construct it according to Euclid's method. His own particular method may be more pleasing to himself, but it is not so convincing to anyone else, and to assume anything not sanctioned by the axioms is not according to book, although, doubtless, very easy to do, and thoroughly in accordance with the usual course in his Court. "Let us assume," or "we must assume" being a very constant basis for a long argument.

I have asked masters and mathematicians to help me to unravel the skein of argument, but none can do it. I of course know that in the 1st Book of Euclid I can find that if one side of a triangle be produced the exterior angle so formed is equal to the two interior and opposite angles, but no one can tell me how that tends to prove that one vessel improperly ran down another—and the problem of three angles of a triangle being equal to two right angles makes a pretty long argument that if two vessels are on lines that are converging so as to form an assumed angle of 2 points, if one bears 7 points from the other that other must bear 7 points from it, because 16 points are equal to two right

angles, so they must form an isosceles triangle, and each must be equidistant from the point of intersection, as the sides must be equal in an isosceles triangle. The problem is, of course, very clear and useful in its proper place, but what it has to do with vessels moving at different speed would probably puzzle Euclid himself. I can only arrive at the conclusion that all this nonsense is intended as proof that the witnesses lied—in the euphemistic language of the Court they were “equally unworthy of credit.” “Both are equally to be distrusted on this point,” and only Euclid as transmogrified by the Wreck Commissioner is worthy of belief.

But for whom is this parade of knowledge printed, surely not for the masters, though they are often told in Court how fearfully ignorant they are of everything they ought to know. Are the Board of Trade being instructed in practical geometry to enable them to understand true navigation as taught at Westminster? If so, I vouch they will soon arrive at a conclusion *quod est absurdum*. I felt inclined to say of the triangle argument, *quod est ridiculosissimum*.

The following extract, cut from an article written at the time of the Tichborne trial, induces me to think these problems are some of the Wreck Commissioner's exercises in logic. The writer, alluding to Roger's utter failure to get over the Ass's Bridge, remarked that 99 out of 100 on leaving college “If asked in after life to work out the propositions in the first book of Euclid would be totally at a loss. “I believe, however, that if you want to keep your mind “alive to the true process of reasoning you cannot do better “than go over them now and then. *To work out the propositions of Euclid is a discipline for reasoning more efficient than any “supplied by all the books of logic in the world.*”

But the writer doubtless worked them out correctly, and did not indulge in suppositions.

Now, it struck me when I read that a proctor must prove he had made reasonable progress in classical education that

the Wreck Commissioner might possibly think that he had sufficiently shown this already, and in order to disprove the oft-repeated assertion that his career as an official had shown that strict ratiocination was a quality in which he was thoroughly deficient he had adopted the course urged in the extract given above, and had taken up Euclid, and had jumped at the first opportunity in which those most insinuating words "angles" could be used either as meaning a simple junction of two lines or in the concrete* form as a triangle.

I hardly think this first geometric exercise of the student of logic will induce a master to tell him to go up to the top of his class as a

PROMISING BOY.

To the Editor of the "British Merchant Service Journal."

SIR,—Comparisons are odious, but looking over your Magazine of June, 1879, I find the following as a finding in the Wreck Commissioner's Court in the case of the stranding of the *Caldera* on the Ridge Sand:—

"The Commissioner in summing up, after having informed the Court that the master had been in command of vessels for twenty-two years, during which time he had been free from accident, said: We attribute his immunity from accident more to good luck than to good seamanship."

The master of this vessel had his certificate suspended for three months.

How different the stranding of H.M.S. *Merlin* reads in "Mitchell's Maritime Register" of the 7th October, where the following is the finding of the Court Martial:—

* We think our correspondent is not very clear; he probably uses "concrete" as meaning "united in growth, united in a solid form," not as a term in logic in which it means "not existing in a subject; not abstract; as, *white* snow. Here *white* is a concrete term" (*Webster's Dictionary*).—
ED. B.M.S.Ÿ.

"The Court ultimately found that the charge was proved, "but in consideration of Lieut. Grant's excellent services "and high testimonials they adjudged him only to be severely "reprimanded and cautioned to be more careful in future."

Now I conclude that the Court of Inquiry is to the master in the Merchant Service what the Court Martial is to the Naval officer, or it ought to be, but in a parallel case—say a stranding—what a different finding and in what different language is it couched.

I cannot but think that from the above and many other cases that have come under my notice in both services, it shows how different it is to be tried by those who are serving afloat and who must know and feel the utter impossibility of one's complete immunity from accidents, and who are able to judge of the real capabilities of the man by the records of his previous services, than to be tried by those who have never been to sea assisted by those who have left it off altogether.

I am, Sir, yours obediently,

C. M. D.

LIVERPOOL.

FROM the subjoined extract it would appear that the duties of the Wreck Commissioner's Court are conducted in Liverpool in a novel, quiet, and we hope efficacious manner :—

"In the Sailors' Home are the offices of the Local Marine Board, which has cognisance of charges of incompetence or failures in duty by the captains and officers of vessels; together with those of the Board of Trade and of the Examiners of Masters and Mates."—"The Adelphi Hotel Guide to Liverpool," Chap. IV., p. 74.

A DAY AT WESTMINSTER.

BEING somewhat given to search for strange sights and to seek unusual experiences, and known to friends as fond of studying mental eccentricities we were urged to accompany a gentleman into one of the Law Courts. When the excursion was proposed we objected that no amusement worth the trouble could possibly be obtained, the utterance of a facetious remark by a judge or by one of the barristers being the utmost to be expected, but we were promised that if we did not derive a great amount of fun out of it we should assuredly find in the proceedings that greatest of stimulants to an existence spent in the pursuit of variety and pleasure—astonishment in some novel form. We took the advice given and in justice to our mentor we own to being more than astonished, we were utterly flabbergasted.*

Following our guide to Westminster we stopped at a small doorway like that of a private house and turning the handle we entered a broad low passage at the end of which we found a stone staircase, with an iron balustrade, somewhat in the style and breadth of the kitchen staircase of an ordinary house. Mounting this we went along a passage, as devious and as ill-directed as the course followed by the Merchant Shipping Acts, into a small square wainscotted ante-room in which were seated a few men with "foreign sailor" undoubtedly marked on every feature. Thence through a small glass door we passed into a room two sides of which seemed nothing but window.

Just within this door, as if to prevent the general public from straying at will into the purlieu, stood a chubby, blue-coated representative of the physical force of the law, who having ascertained that we were not legal gentlemen directed

* Flabbergast, To.—To throw aback. To produce a state of extreme surprise.

us not to enter the reserved portion of the room marked off by a glazed screen at one end, but to take our places in any other part. Accordingly we seated ourselves on one of the pew-like benches and looked about. The scene presented was not of a cheerful nature and the few persons in the room did not look as if they were there for pleasure. By degrees a few entered the inner sanctum, some of them carrying bundles of papers, others wearing wigs, and these were the only individuals who seemed capable of smiling. We formed a mental picture of a dreary room scurvily painted with whiting except where a dado of wainscot covered with red baize seemed to have been placed to save those who entered that part of the room from being literally whitewashed. Beyond one of these pew-like benches being fitted with penny inkstands let into the wooden slope in front, for the use of the press reporters as we found, the fittings consisted of the screen we have mentioned, a few strips of matting and a clock, the whole marked with police court penury. Even the inner sanctum for the legal fraternity was skimpy and wretched, a narrow plank being the table for their briefs and books. A square trapdoor in the ceiling, closed with planks, gave the idea that through it might be lowered some apparatus for an acrobatic or juggling performance. The idea perhaps arose from the peculiar appearance of that side of the room towards which the seats were faced. In this was an arched alcove, the floor of which was several feet higher than that of the room itself, and in the alcove were four boxes or desks like davenportes with a chair behind each. The only means of access was at the side where a few steps were fixed, such as may be seen in a village barn arranged as a theatre for acrobats or for a travelling juggler, the davenportes or desks looking like trapdoor scenes for the fantastic entrances and exits of imps or devils.

After a time a movement at one side of the room was heard and the people standing there gave way to a small procession

of four gentlemen of different ages, one of them only being arrayed in a gown and wig ; in solemn silence these went up the steps into the alcove and each one having placed himself behind a davenport, they bowed simultaneously and seated themselves. Thus seated, the upper part of each individual alone being visible, while at a table below sat a young man well supplied with books and long rolls of paper, the idea of the performance being an acrobatic pantomime gave way to the supposition that we were to witness the antics of marionettes of which the pleasant looking young man below, while keeping an innocent unoccupied expression of face, would pull the strings, and, by his secret manipulation of the wires which worked the figures, would deceive our visual organs and amuse us. Pulling the leg always delights those who look on however unpleasant and jerking it may be to the one operated upon ; and part of the charm of a marionette performance is in watching the skill of the worker who, we know, is giving, by his hidden skill, fairly life-like movements to a set of dolls. As a rule the wire worker also fills all the speaking parts attributed to each doll and certainly we found that one voice alone seemed to be heard throughout the time we stayed. A friendly arrangement of the parts then ensued between the leading figure who wore the wig and who was of a pleasing aspect, wreathed in smiles and condescendingly affable, and some in the front row of those who faced him and who were evidently performers, or orchestra, or accomplices helping to make the whole run smoothly. We caught "You will appear for ——," and "you for ——," and "Mr. —— " will do something else, but we did not pay much attention thinking little of it for we know that it is only in the best houses where the performers are masters in their profession and many rehearsals have been called that everything works without a hitch from the entrance of the audience until the curtain falls. In all second and third rate places there is

invariably some public display of want of unison, of make-shift arrangements and of duplication of parts, which jarring on the sensibility of those accustomed to perfect displays of action and of speech, renders them unable to feel the pleasure or to accord thereto such measure of praise as could be obtained from a village audience that, never having seen any other, could know no better than to think it very clever or even well done.

Cogitating over what we had seen, and the performance perhaps opening somewhat dull, we must have become abstracted from all that went on or have fallen into a brown study or into a doze, through all of which however ran sounds that brought strange disconnected reminiscences with them; heedlessly we heard of builders, Lloyd's, gross tonnage register, stakes or strakes, and after a time the story to be found at the beginning of Ollendorff's method of learning modern languages, wherein the sailor proves to the priest how much better he knows his compass than the priest his paternoster, came into our head, for we heard much about N.W., W.N.W., N.N.W. northerly—but we just then woke up to a scene that surprised us and which, dispelling at once the fancy of our witnessing some theatrical performance, reminded us that we were supposed to be in a Court of Justice.

A seafaring man stood at a small stand at the foot of the steps, evidently in a very unhappy frame of mind. On a narrow desk in front of him was spread out a chart each end of which kept curling up in the fashion of charts so as to render it very difficult for him to use the pair of compasses and the parallel ruler with which he seemed to be flattening down the chart in order to carry out some instructions given him from time to time by the bewigged gentleman in the box above. Whether the difficulty of setting out some measured distances taken with the compasses from the scale on the chart while the chart could not be kept open or flat

affected the troubled sailor, or whether it was stupidity, or ignorance, or a mixture of both, messed up by conflicting directions from above, we cannot say, but the result was a loss of temper on the part of the wig which hardly consorted with our ideas of judicial propriety and gravity. Had the encounter been between the sailor and one of the wigs below we could have understood it, but in this particular case we never in all our life saw a witness more cross-examined—it really amounted to brow beating—and yet it was evident to us that the man was correct and knew what he meant. A great deal was made out of the magnetic course as opposed to the course by compass and about the deviation card, and yet after the man had been cross-examined and had been dismissed, with a side observation to the wigs below that he evidently did not know what he was talking about, the unfortunate man proved to be quite correct as to his statement.

We were much astounded at the strange things we saw on our first visit to this Court of Justice, and we so admitted to our guide. He, however, asked us to keep in mind all we had heard on that occasion until he should send us a printed account thereof. This he did in about a fortnight, and we then read the report or judgment we were supposed to have heard. This was indeed a strange document, and in order to come to a right understanding of the possessor of such peculiar power of transforming oral words into printed phrases of a totally different meaning, and of the author of officials papers that were so intensely egotistic and so full of pompous bombast, we paid several visits to the Court. We are fully of the opinion of that keen observer who wrote many years ago, "I have observed that a reader seldom peruses a book with pleasure till he knows whether the writer of it be a black or a fair man, of a mild or choleric disposition, married or a bachelor, with other particulars of the like nature, that conduce very much to the right under-

standing of an author," and we have been several times since to the room we have described. The extraordinary novelty of such scenes so essentially unlike and yet so superficially resembling real legal proceedings took great hold on us and induced us to spend many of our idle hours in the solitary enjoyment of a pleasure we are certain we could not possibly find in any other place in England. It may seem to betray mental obfuscation to admit that having suffered from too rigid an application of unreasoning law not tempered with equity, and having subsequently spent some years in a position which enabled us to temper the law as written with the mild mercy of the law as intended by the law-giver, we now cannot help enjoying the spectacle of a man who can sit in a Court to administer with harshness a law that is surely stretched to make it carry all that is laid upon it. We say advisedly that in no other Court in England nor in the British Colonies can be witnessed such scenes as we have seen, and our selfish enjoyment arises from that peculiarity of human nature which causes a man to appreciate a thing according to its being commonly or rarely possessed by his compeers. Were such proceedings general or in any way commended by public opinion, their originality would no longer be prominent, and we should not notice them, but they are so outrageously opposed to every conception of justice in an Englishman's mind that to regard them as we at first did as a poor travesty of a Court of Justice is not to wrong them, nor in respect to three out of each four individuals we saw sitting in that alcove, are we far from truth in describing them as marionette dolls.

We have a confused recollection of the incidents that occurred at each of our visits, and we have jumbled them up. The central figure in the wig was however always the same, but the others were different on each occasion, and as they never opened their lips nor even moved except to come

in and to go out our description of them seems fair enough. This central figure was extremely energetic and fussed about as if the world could not go on without him. Everything was done by him, and it is not extraordinary that as he alone was dressed up we should suppose that some special virtue was in the gown or in the wig he wore. We asked some of the *habitués*, but there seemed some mystery about the wig. Some said it was an irregular assumption and should not be worn, and we were told as an open secret that the Government Auditor had refused to pass the bill for it or for the gown, and had surcharged the items on the proper department, but this may be gossip or one of the poor jokes of the place. Most of the jokes seemed levied at the assumption of forensic ceremony conducted without more than the semblance of the forms of pure justice. We ended by thinking that these jokes had solid foundation when we saw this central figure take in turns the part of the condescendingly jocular conversationalist, the friendly adviser, the hustling arrogant prosecutor, the angry defendant, and the irritated jurymen, and wind up by becoming the stern judge determined to put down evil practices by the fullest exercise of his repressive powers. We were much struck by one of these vehement denunciations of evil-doers when a man was accused of nothing less than wilful murder by this bewigged personage, who in the inconsequent fashion of the elderly irate fathers of the stage punished this murderer whom he stated he knew not to have a halfpenny in the world, by directing that he should be prevented doing anything to earn an honest crust for the space of twelve months—as if starvation were held by the wise as a strong incentive to well doing, and to reformation of character. Had the man possessed a halfpenny he evidently would have had also to pay in hard cash for this opinion of himself.

We subsequently inquired if this wicked man was to be tried for his misconduct, but it appears that the officials to

whom was addressed this accusation against him could not find evidence to justify it, and the man remains, damned in the sight of those who do not know the value of such statements, without power to remove a stigma that must attach to him for life for "*litera scripta manet*," words which should ever be before the eyes of those who sit in places where they cannot be contradicted.

We do not care to tell of the dreary waste of time, as it seemed to us, in investigating matters that could have nothing to do with the avowed object, which was not alluded to for a long time, of discovering why some vessel was damaged or lost. We could not see why it was necessary to spend hours in learning who was the builder, who the owner, how many voyages the vessel had made, and many other matters, nor could we see any good in much of the speechifying that went on immediately after one of the gentlemen in front had handed to another a sheet of paper with a number of questions written thereon.

It was at this stage that our wonderment was greatest. The central figure on the raised stage at once gave us a long recital of all that had been drawn out of those who appeared at the little stand at the foot of the steps. The early part of this recital was a clear and concise history of the vessel or vessels of owners and officers, but as he warmed up from his exertions to supply answers to the questions put we were soon treated to views and opinions full of the crochets of one who appeared to have formed an essentially one-sided judgment and who had difficulty in finding reasons to support it, and who as naturally failed to give them the gloss of conviction. In not one of those we heard could we fail to find some misapplication of reasoning in the arguments.

The delivery of these strange opinions was quite equal to the substantial soundness of them. The unities were disregarded, we had a jumble of "I think, I am told, I must

assume, before I proceed, I have no doubt," with "we are of opinion, we were asked, we must assume." What the distinction meant we could not ascertain. It seemed an idiosyncrasy, and possibly it unconsciously arose from a haziness as to the part supposed to be taken by the others, whose wires, to use our old simile, evidently did not work freely. It was the general style that took our fancy, and we could find therein some cause why the Hoi Polloi were said to sit with open mouth and bated breath listening to the sounds that seemed to carry wisdom on their backs. We too sat a little in the hope that the rapid current would soon slacken sufficiently to ensure the deposit of some gems however rough. But the orator evidently continued to throw out, in an intended impressive manner, words full of sound but entirely lacking weight, as Hesiod says, "His untired lips a wordy torrent pours." At the same time he daintily emphasised the steps in his arguments by joining and parting the tips of his outstretched fingers, though on one occasion we could not refrain from laughter when he found a pair of compasses as hurtful to his fingers as the enforced usage of them in that room often proves to the wielders when marking off a course on a chart.

These orations, as a whole, were strange compounds of weak arguments founded on assumptions and conclusions drawn out of half-formed premises, and though they may, as to style, be so described they fail to produce that persuasive effect which is expressed in Statira's loving description of the seductive all-convincing eloquence of the Great Alexander.

"Then he would talk. Good gods! how he would talk!"

The result, however, to the unfortunate listeners proved to be the same, for Statira lost her life and these later victims are deprived of their livelihood.

Our visits to this whitened sepulchre of honest men's reputations have indeed flabbergasted us. The feeling of astonishment which first assailed us that such things could

be done openly in the present day has given way to a much stronger feeling of disgust at seeing the forms of justice prostituted for the pitiful object of punishing a special class of men in a special manner, and has engendered in us intense anger that so unjust a system can be tolerated in these days.

THE PRESIDENT OF THE BOARD OF TRADE ON SHIPPING LEGISLATION.

. . . . "I HAVE received since I have been in Liverpool with great pleasure a resolution from your Chamber of Commerce, in which they recognise in very courteous terms the assistance and consideration which they say they have received from me and my predecessors. I regard it as a testimonial, and a just one, to the general action of the Board of Trade, and, above all, to the character of its permanent officials. When I came into office, almost fresh from commercial life, I confess I had a prejudice, which possibly some of you may still share, against what I used to call officialism, and I determined that at all events nothing in the nature of red tape routine should interfere between my duties and the public with which I was brought into contact. The work of the Board of Trade, as you are doubtless aware, is of the most miscellaneous character. . . . I ask, is our legislation satisfactory? Is it not capable of some improvement? I understand that there are shipowners who have occasionally complained that they are subjected to stigma and suspicion, which they are not deserving of being under. There is no doubt the public and those who represent what is sometimes called the "philanthropic" side of those interested, consider that their interests are not sufficiently protected. It seems to me clear that our object should be, in the first place, to see that all proper precautions are

taken to secure life and to secure the health and, to a certain extent, the comfort of those who commit themselves to the sea in ships, whether they be sailors or whether they be passengers. But, in the second place, we have so to do this that it may not unnecessarily interfere with what is supposed to be the greatest of the commercial interests in the world. At present we have sought to obtain these results by taking a variety of powers, to two of which in particular I will allude, as being of the greatest importance. The Board of Trade has the power to stop ships which are reasonably suspected of being in an unseaworthy condition, or unfit to go to sea, and it is also authorised to prosecute any shipowner who may be proved to have been guilty of sending a ship to sea in an unseaworthy condition. As to the first of these powers, I say in practice it has been shown to be altogether insufficient to secure the object which we ought to have in view.* The Board of Trade have stopped a great number of ships, and in some cases no doubt they have prevented accidents and disasters; but when you consider the enormous extension and extent of our commercial navy, and when you see that ships are clearing out of every port of this country at all hours of the day and night, you will see it is absolutely impossible to be on the spot at the proper moment. Therefore it is that undoubtedly many ships have gone to sea in the condition in which, I believe, an intelligent and respectable shipowner would consider to be not a fit condition for men to risk their lives in. But I think the greatest result is expected from the second power to which I have referred—the power of prosecution. It was said, ‘You should not punish the honest for the faults of the bad. What you have got to do is to punish those who have been guilty of offences, and not to put restrictions upon or in any way interfere or hamper those

* *Vide* pages 220, 279, May and June.

who are honest.' This power, I am bound to say, having now had some time to consider the matter carefully, has also absolutely broken down. In the first place it puts us in a difficult and an illogical position. We are 'shutting the stable door after the horse has been stolen.' We allow a ship to go to the bottom because she has been overloaded, and then we punish the man for doing that which might have been prevented in sending her to sea. Not only so, but even when we get cases which I am inclined to think are cases of very serious gravity, we find it difficult, if not impossible, to obtain a conviction. I could refer to cases in my mind, and I am sure you will agree with me that there have been such instances, but the reason for it is a perfectly natural one. It is said in these cases, 'You, the Board of Trade, now ask us, a jury, to condemn as a criminal, and subject a man to imprisonment for doing a thing which it is impossible you can prove he has done wilfully; and you do this at the same time as you admit that, knowing what he was doing, you have refused to tell him what it would be right for him to do. Knowing which way—that is, having in your own mind a definite and distinct opinion as to the level to which he should load his ship, you have refused to tell him beforehand what that level is; and now, because he has gone beyond your opinion, you prosecute him, and seek to obtain a conviction against him.' You know what the reason for this apparently anomalous course of action on the part of the Board of Trade has been. It is due to the theory which universally prevailed some time ago that the Government departments must not interfere with individual responsibility. If a Government department were to undertake it in one case, and say what is the proper extent to which a ship should be loaded, it must undertake it in all cases, and it would practically amount to this, that the Government department might as well undertake to manage the whole of the

shipping of this country. I need scarcely say, after some considerable experience, that I am not so foolish as to suppose that any Government department in the world would undertake to do anything of the sort. However great may be our officials, and however accumulated their experience, it is absolutely impossible that in the great enterprise in which you are engaged, complicated as it is, they should be enabled at all times and under all circumstances to say what alone the shipowners can know. I think I have succeeded in laying before you what are the difficulties of the situation. I have a proposal to make. I want to bring to the assistance of this official department, which is quite insufficient of itself, that combined experience of all that is best and most intelligent in the shipping trade. I have thought that it might be possible to create for that purpose to which I have referred, and for some other questions, something in the nature of a Shipping Council, which should be in the first place and above all representative of the shipping interest—not a branch, but of all branches of the shipping interest and of those interests which have their home in different districts. Of course I should add to such a body representative official experience, and I think it would also be desirable to add to them representatives of those great insurance companies which could, if they chose, give us such valuable and effective assistance. Having got such a body as this, it would act, to some extent, as the Railway Commission acted with the greatest advantage, and to the general satisfaction of the public, between the railway companies and the department. In the same way this great Council would, in the first place, advise and assist the Board of Trade, and might enable it to form conclusions, to make regulations which now, I am sure, it is quite incompetent to do. It would also be a High Court of Appeal, to which the Board of Trade and the public or individual shipowners might go in those cases in

which serious differences of opinion arose. I have made a suggestion of this kind to shipowners whom I have had an opportunity of meeting in other places. I now make it to you. If anything at all is to be done in the matter, what I propose is that a Bill should be brought in carrying out some such suggestion as this, and that it should be referred to a Committee—not in this case to shelve it, but because it is a new principle in shipping legislation, which I think it would be very desirable to examine by the presence of witnesses from all parts of the country. The principle itself is one which, if it were possible for you to form a judgment upon at a moment's notice, I should be glad this afternoon to have your opinion upon it. But I hope you will fairly and impartially consider it, if not now at some future time, and that you will give me the advantage of your criticisms and suggestions."

ADMIRALTY CHARTS.

IN our July number, in addition to giving a table showing several geographical positions in the Atlantic, we requested sailors, when navigating the shores of Portugal, to remember that the land may lie 1·7 nautical miles to seaward of the position assigned to it on the Admiralty charts.

That we had grounds for so cautioning our readers is fully exemplified by the following evidence given during the Inquiry into the loss of the s.s. *Corsica*, which stranded on some rock between Cape Roca and Cape Razo.

It is very desirable that the Admiralty should speedily cause a survey to be made of this and other doubtful localities, in order to reassure the Mercantile Marine as to the character of the charts supplied to it and to the first navy of the world.

EVIDENCE OF COMMANDER T. A. HULL, R.N.

Q. *By Mr. Nelson.*—"Were you in the Hydrographer's department of the Admiralty?"—A. "Yes, for 13 years."

Q. "The Admiralty Charts then were under your superintendence?"—A. "During 6 years of that time."

Q. "There are two charts here—one of them is the Coast of Portugal, and the other takes in part of the coast and the entrance to the Tagus. I want to draw your attention to that part of the larger chart which we have called Cape Roca and Cape Razo. Will you be good enough to tell the Court whether there is any nautical survey of that part of the coast?"—A. "I should not call it a nautical survey."

Q. *By the Court.*—"What do you mean by, you should not call it a nautical survey?"—A. "Apparently the coast has been surveyed by engineers, it might be the Royal Engineers, but there has been no survey by the sailor."

Q. *Mr. Nelson.*—"May I take it as a land survey?"—A. "A land survey, but not a sea survey."

Q. *By the Court.*—"Of the coast of Cape Roca?"—A. "Cape Roca and Cape Razo."

Q. *Mr. Nelson.*—"Will you look at the under chart of the two, you see there is a dark line on that chart up to a certain point, and soundings up to that point on the coast line and beyond that up to Cape Razo there are none. Does that denote anything?"—A. "That denotes to my mind that up to this Guia lighthouse the coast has been nautically surveyed; beyond that I say it has not been so, there being no soundings."

Q. "I believe there are other parts of the coast of Portugal which are in the same condition, and Vigo I believe is one."—A. "Vigo looks to be, I should call it better surveyed. If you look at the chart of Vigo you will see a great many more soundings off that port than off Cape Razo."

Q. *Mr. O'Connell.*—"Is there any continuation of that

chart (No. 89) on the same scale for the part that is shaded, but not surveyed?"—A. "Not to my knowledge as an English chart, and I do not think there is anything in Portugal either."

Q. "That is a chart referring to the mouth of the Tagus."
—A. "Yes."

Q. "Describing the entrance to the river Tagus."—A. "Yes, but it has got this Cape Razo on it."

Q. "Is there any chart continuing the coast to the northward of that?"—A. "Not of the Admiralty charts. These two represent as far as I know, in the Admiralty catalogue, the whole."

Q. *By the Court.*—"When did you leave the Admiralty."
—A. "In 1879."

Q. "Since that you say there has been no survey, no records brought to the Admiralty."—A. "Not that I know of."

Q. "I mean, none to your knowledge."—A. "None to my knowledge."

Mr. Nelson.—"The last chart is dated 1879, and that is before you."

The Court.—"Yes, I know that; but I did not know whether Captain Hull knew of anything more."

The Witness.—"If I were asked I should say these two are the latest information the public have on this matter."

Q. "Can you say looking at those charts that you have no doubt whatever that the neighbourhood of Cape Roca and Cape Razo has not been carefully surveyed?"—A. "From a sailor's point of view."

Q. "And that any seaman would see that by the charts?"
—A. "I would hardly like to say any seaman, because it requires a little experience to know chart from chart."

Q. "I mean a man of experience?"—A. "A man of experience would say, 'I do not like the look of that chart.'"

Q. "A man of experience would say its appearance shows it is not carefully surveyed?"—A. "I think so."

Q. *By Mr. Nelson.*—"Would not this chart mislead a young captain who had not great experience?"—A. "Is that a question to me?"

The Court.—"You may answer that question."—A. "I think it might."

Q. "What would it mislead him to do?"—A. "If you look at this chart you see the coast, the interior, is well worked up, is well engraved; and he may look at that and say, 'I am all right by this chart.'"

Q. "But off Cape Roca you see a reef marked?"—A. "There are rocks there."

Q. "There is a reef running out nearly a mile; if you take the scale you will see it?"—A. "It is rather small for this sort of work. You want a glass for it. I should say the rocks are there half a mile, hardly a mile."

Q. "At any rate there is evidence that there are rocks off Cape Roca?"—A. "Yes, but rocks above water. They are not shown as rocks below water."

Q. "How would they be marked for rocks below water?"
A. "By a cross. As far as I can see in this light these are marked by a dot. There is no cross there. I do not think you will see any cross there."

AN ELECTRIC LOG.

IT has frequently occurred to us as very strange that on board ship, where time is in many ways of paramount importance, that the wonderful agent—electricity—has not more generally been enlisted into the service of mariners. We are aware that electric bells have to a certain small extent been adopted, and, unfortunately, met with but partial success by reason of the fittings being made by

electricians cognizant of their working on land, but in a great measure unacquainted with the essential requirements of electrical fittings at sea. It is therefore with pleasure that we direct the attention of our readers to a practical electrical instrument that bids fair to revolutionize the old methods of ascertaining the distance run and the "then" speed of ship. The increased and increasing speed of ocean-going steamers especially, their great length, and the absolute necessity, due to competition, of making quick passages with every regard to safe navigation, render necessary an amount of nerve in driving a vessel efficiently and economically, that in former days was certainly not thought of. The instrument we refer to is invented by Mr. C. E. Kelway and is known as the "Kelway Electric Log," and now about to be placed at the command of the nautical world by the inventor, in conjunction with Captain Frank Dyer, a member of the Shipmasters' Society, whose practical experience and association with the electric log may be taken as a guarantee of the value of the instrument.

In an exceedingly simple and efficient manner the rotation of the log screw is made to complete an electric circuit a given number of times (regulated by the number of teeth in a ratchet wheel placed on the "mile" spindle of the log) in a mile, which, as now arranged, amounts to eight. At each completion of the circuit a current of electricity passes through the coils of a step-by-step counter which forms the dial similar to a clock face. This dial being placed in the chart-room, captain's or engineer's cabin (or a dial may be placed in each, and worked from the same log), the distance run can be read off at any moment, and the actual speed of the ship noted at will. To render unnecessary frequent reference to the dial to see if the log is working correctly, a single-stroke bell is supplied which announces each indication by sound in addition to the automatic record.

In its improved form, the log is lowered down a small tube, preferably passing through the engine-room in the case of steamers, in such a manner that it is easy of access, should an inspection become necessary.

The advantages claimed for such an arrangement are that the rotator, by being drawn through the water by the vessel, works in a body of water of uniform density below the vessel, and quite free from the disturbing influences caused by the vessel's propeller and surface waves, as in the case of a towing log. It must be obvious to our readers that under this arrangement there is little or no probability of the log fouling seaweed, wreckage, &c. For speed trial purposes, satisfactory trials have been made by the Admiralty—notably on board H.M.S. *Thunderer*, *Shah*, *Iris*, *Alberta*, &c., and that the instrument can be made of great service for range-finding in gunnery at sea is evident from a simple inspection. The instrument will be exhibited at the forthcoming Electrical Exhibition at the Crystal Palace when the public will have an opportunity of judging of its undoubted merits, and we would suggest their availing themselves of the explanation which Mr. Kelway is at all times most willing to afford.

THE
BRITISH MERCHANT SERVICE
JOURNAL.

DECEMBER, 1881.—VOL. III.—No. XII.

AN EPITOME OF THE CURRENT YEAR.

THIS present number completes the third year of an existence devoted to the good of the British Merchant Service. We think we can fairly claim to have done much good work and to have acted thoroughly up to the standard we first set up. We, at the beginning, notified our intention to make searching inquisition into all matters regarding the status of members of the Mercantile Marine,—unsparing exposure of all abuses,—steady representation of wrongs that are general in their incidence,—persistent endorsement of suggestions or complaints that may lead to reform in the law or in any Government Department affecting the shipping interest,—and unyielding criticism where good can be hoped from such a course. We fearlessly assert that we have not failed to perform the duty we set before ourselves. We know that we could add to the number of our readers did we cater to please the taste of admirers of strong language, for whom we must admit great justification exists in the unjust and unconstitutional procedure of Courts of Inquiry, but our object has not been to make money, but by exposing some of the irregular, if not illegal, proceedings of the Board of Trade and of Courts of Inquiry, and by pointing out some of the

hardships endured by masters, to attract the attention of the permanent authorities in some of the departments of Government so as to secure, as readers of the Journal, the leaders of that class which can alleviate some of these hardships and mitigate or redress the wrongs we seek to make known. When we have enlisted, as we believe we shall, many of these gentlemen, our task will be nearly completed. It is not so difficult a matter to obtain relief from Parliament when the permanent officials have been led to see that reform is really required. It is not easy to cause men who have grown up in a groove or under a particular system to perceive the errors of that system or to recognise the evils that spring from it, and the task of all who attempt to make any reformation therein is invariably uphill, still we know we have secured attention to matters that have in consequence been examined into and we intend to continue in our course until we find all our aims carried. When that good time arrives or seems close at hand we may feel inclined to lower our flag and to place ourselves in the steam reserve of the Mercantile Marine.

An Index will be found at the end of this number, but we purpose to give our readers a short narrative of the contents and of our labours that they may more clearly see what has been done, and what are the aims we have yet to pursue.

Our observations, pp. 23, 91 and 194, on "Co-efficient of Fineness" have put a stop to the extraordinary practice in a Court of Justice of deciding whether masters have gone to sea without a sufficient amount of freeboard and of punishing them in consequence by the rigid application (sometimes in error) of a formula that had never been accepted by experts, and for which its author only claimed that it was merely an attempt to arrive at some standard to serve as a guide to shipowners as to a safe freeboard for their vessels.

In the "Anomalous position of Masters and Courts of Inquiry," pp. 52, 144, 157, an attempt has been made to set out the exceptionally precarious tenure by masters of the

certificates they have earned. They are the only professional men in the Kingdom liable to be deprived thereof after having been forced under oath to prove their own defaults, and in this manner are often punished for being unfortunate or because they may have committed some error of judgment. The difference between masters and captains of men-of-war in the difficulties experienced and the treatment received under similar circumstances is shown, and the origin of the system now governing the *personnel* of the Mercantile Marine is investigated. The opinions of eminent authorities on the subject are quoted as to the necessity or otherwise of suspending certificates, and in regard to the possibility and advisability of devising some other plan for keeping up control over the masters, and of punishing delinquencies without resorting to an unconstitutional law that presses only on this one class. This subject is also treated on at pp. 181, 200, 205, 225, 258, 276, 290, 316, 338, 373, 473, 531, 535.

The readiness with which the Committee of the Shipmasters' Society brings to the notice of the Board of Trade cases that are in their opinion illegal or even harsh, entitles them to the hearty thanks of the service, see pp. 105, 347, 350, 440, and in some cases the result has shown that the Board of Trade would have saved themselves some strong remarks had they heeded the suggestions made.

We endeavoured to give our readers the Board of Trade notices on the Grain Cargoes Act but they were poured forth in such number and of such conflicting nature as to render the subject more obscure than before. We think this a type of the Board's management of Mercantile Marine subjects.

Until we took up the interests of the Mercantile Marine there was no paper that systematically watched the Board of Trade. The Department lived on in a kind of *limbus fatuorum* and regarded their work and their officials as perfect. To relieve themselves of some little troubles that beset them

the Shipping Casualties Act was passed, and this was so drawn that rules however lax are made part of the law. So lax or wide have the rules been framed that witnesses can be made, at the mere fancy of the Judge, to pay the costs of a prosecution instituted by the Board of Trade. The subject is not a new one, but 1880 gave to the service a small measure of reform which was not satisfactory to some outsiders, and we found ourselves obliged to commence this year by pointing out that the spirit, if not the letter of the law, was about to be broken by the nomination of unqualified Assessors. In the following number we showed the correctness of our statement, and we then pointed out the illegal constitution of some of these Courts. In August the President of the Board of Trade admitted in the House of Commons that this was the case, see p. 439, but though the Committee of the Shipmasters' Society urged restitution and compensation to masters illegally punished, the Board "as at present" "advised" would do nothing (p. 495), and unqualified Assessors still sit in Court.

Different phases of the "Assessors" question will be found at pp. 19, 22, 25, 88, 97, 322, 333.

The Assessors have received several hints from us (pp. 127, 421, 434, 521), to assert their rights and to perform their duty by insisting upon taking the chief part in Court; such was intended to be their function and they must not be surprised at the fate which is evidently in store for them but which they will fully merit if they thus continue to efface themselves.

We have exposed several illegal judgments (pp. 44, 104, 179), and pointed out many hard cases and much strained law (pp. 181, 200, 205, 238, 243, 333, 435), but it is evidently hopeless to look for true justice under a system based upon a violation of one of the leading maxims of English law. *Nemo tenetur seipsum accusare.*

The system must be reformed, and as the masters are not

of sufficient political power to obtain justice for themselves, the errors of the system, and the errors and absurdities of those who administer it, must be exposed until public opinion is awakened.

To carry out this view (at p. 28) we published a parody on a Court of Inquiry based upon the collision or running down by a gentleman of the Act by which he lives, and compiled it almost entirely out of his own cases. As a joke we admit it is dull, but it is nothing but flattery of the purest type, for it is acknowledged that the highest form of flattery consists in a servile imitation of the words, style, and manner of the object to be flattered. But as some thought our attempt too absurd we published later on (p. 352) a literal transcript of a judgment as given orally, and of the same judgment as put forth in print after being carefully revised and corrected; which is the parody, and what is parodied, we leave to our readers to decide.

“As is the fountain, so are the streams; as is the root, so is the fruit.” Some of the peculiarities (to use a mild term) of these Courts are pointed out at pp. 68, 220, 228, 238, 261, 276, 312, 332.

We have felt constrained to make some pointed remarks upon the Board of Trade (pp. 131, 224, 225, 228, 238, 396, 397, 409, 439, 441, 455, 486, 499, 525). Some of the articles sent us regarding the shortcomings or the heavy hand of the Department required to be toned down, for we think a temperate line of argument will often carry a point when strong denunciations will only create a perverse determination not to be dragooned into doing right. We hope the writers will not desist, though at present their labours seem of the kind that can be described as *Æthiopem lavare*.

ADMIRALTY HYDROGRAPHY.

IN the recent trial before the Wreck Commissioner on the loss of the s.s. *Corsica* off Cape Roca, evidence was given by Captain Holt that the coast of Portugal from the Guia Light (on the north point of the entrance to the River Tagus) to the northward had not been nautically surveyed. This statement was confirmed by Commander Hull, R.N., late Superintendent of Admiralty Charts, who pointed out that on Admiralty Charts Nos. 89 and 87 the absence of soundings and the unfinished style in which part of the coast had been delineated on No. 89 clearly showed that, although a land survey may have been made of that part of the country, the water fronting the coast had not been examined by the sailor or nautical surveyor.

The attention of their Lordships should be drawn to this case. It will hardly be credited that the coast of Portugal, off the entrance of the Tagus, is a part of "the Unsurveyed World," but such appears to be the case. There is evidently, by the edition of the Admiralty Chart now before us, a doubt as to the longitude of Lisbon. A note thereon in small type states:—"By Telegraphic Time Signals made in 1879-80 by Lieut.-Commanders F. M. Green and C. H. Davis, United States Navy, in connection with the Royal Observatory at Greenwich, the resulting longitude of the Royal Astronomical Observatory was $9^{\circ} 11' 10''$ W. This places the Marine Observatory in $9^{\circ} 8' 23''$ W., or $2' 8''$ west of the longitude heretofore received; and Fort St. Julian Lighthouse in $9^{\circ} 19' 31''$ W."

The late Astronomer Royal in his final speech called attention to this determination by the United States Government.

How far north and south of the Tagus does this error affect the coast? Counsel for the Board of Trade contended that with the amount of traffic that must pass Capes Roca

and Razo, the existence of any rocks not marked would have been brought to light by some casualty. Surely it is to the interest of Commercial England that these waters be properly, *i.e.*, nautically, surveyed. The present holder of the chair of Sir Francis Beaufort should be reminded that he has other duties to perform besides writing minutes and keeping down expenses.—*United Service Gazette*.

SIR.—Seeing my name quoted in your issue of the 12th inst., as giving evidence before the Wreck Commissioner on the subject of the coast of Portugal being a part of the “Unsurveyed World,” from Guia Light at the entrance to the Tagus towards the northward, it being also necessary to have my statement substantiated by Commander Hull, R.N., late Superintendent of Admiralty Charts, I crave space in your columns to make some explanatory remarks on the bald statement of these facts.

This part of my evidence on the loss of the s.s. *Corsica*, which was given in defence of a brother shipmaster who had lost his life and whose good name was at stake, was so emphatically negatived by the gallant admiral sitting as an Assessor, that it became necessary to call upon a Naval officer who could speak with authority on the subject, to endorse my evidence and allow Greek to meet Greek.

It may be a matter of small moment whether Admiral Aplin is able to appreciate the information given in the Admiralty “Manual of Scientific Inquiry,” and in Captain Bedford’s “Sailors’ Pocket-book,” viz., that the light and unfinished style in which the coast line is delineated, and the absence of soundings, is intended to show to the sailor that that part of the coast has not been “nautically surveyed.”

But this occasion does not tend to lessen “the feeling of estrangement, if not of actual jealousy, between the Royal Navy and the Merchant Navy.”

When Naval officers sitting as Assessors over officers in the Merchant Navy are unable to correctly guide the presiding judge of the Court in the question of Admiralty Charts, how can they be expected to understand the intricacies of detail in the "really astonishing amount of work done by our Merchant Navy with its scantily manned polyglot crews," of which Naval officers can have no practical knowledge?

In the words of your correspondent "Civilian," writing on the Royal Naval College, we arise from the perusal of facts stated by him with the saddest reflections.

If sub-lieutenants of well-known names straight from their studies take only a third class in navigation, how can admirals judge on such a question after many years' rust who have had a master to pilot for them? This is the natural deduction when we meet admirals as Assessors.

H. FARQUHAR HOLT.

Bexley Heath, November 14, 1881.

SOME RECENT COURTS OF INQUIRY.

WE have repeatedly referred to the inordinate length and the extraordinary frivolousness of many inquiries, and to the absence in them of any suggestions advantageous to the public. We have recently perused a case against which the charge of undue length cannot rest, for the eight questions put therein are answered in fifty-five words, and the judgment is given in eighty-one. The annex is a concise history, and the reasoning of the Court is short and simple. From our point of view there is

nothing to be said against it, from an artistic point of view it is thorough, for

As 'tis a greater mystery in the art
Of painting to forshorten any part
Than draw it out, so 'tis in books the chief
Of all great perfections to be plain and brief.

In one case the presiding officer at the end of the judgment wrote—"I regret that I have had the peculiar difficulty " of a strong difference of opinion between my Assessors " which creates an additional reason for giving the master " and mate the benefit of any doubt I may entertain as to " their conduct." The result was that both saved their certificates.

Into the merits of the case we do not enter. We simply desire to record an inquiry wherein the Assessors have undoubtedly exercised their functions and where the presiding officer has shown a proper judicial spirit, for not only was he evidently inclined to give the unfortunate men the benefit of the doubt already existent in his mind, but he could find in the difference of opinion between the Assessors an additional reason for being merciful.

To those who watch the Courts it is unnecessary to point out that the presiding officer was a stipendiary magistrate.

In contrast to the concise judgment alluded to are others so diffuse that the sight of them recalls the saying of *Diogenes*, who, reading a dull author to several of his friends, when everyone began to be tired, finding he was almost come to a blank leaf at the end of it, cried *Courage, lads, I see land*. In one of the cases, No. 1,150, the land in sight was never reached by some, for "unfortunately the poor master is not " here to answer for his conduct." He was, however, held to blame, for "he seems to have tried to cut it (*i.e.*, Cape Roca) too fine." How he could do this only the Court could possibly say. We know there is difficulty in inducing people to believe that such expressions find place in the

written judgments of a Court, and we fully expect to hear it said of us in similar inelegant language for pointing them out that we are "cutting it too fat" or "coming it too hot." But these remarks about the master are not more strange than the reference to the owners in regard to the accusation against the master of wilfully running the vessel ashore. "What possible object could the poor man have had for so doing? If, indeed, he had intended to lose the vessel, he would probably have chosen a more convenient place, and not have run the risk of losing his own life with it. *He could hardly too have been invited to do so by the owners, for they are considerable losers by the casualty.*" We hope the owners will appreciate the argument; evidently the Court thinks that owners can readily find masters to accept such invitations; that owners "stand to win" on the loss of ships this Court has previously recorded in cases 780, 808, so we suggest that such invitations given are not extraordinary.

In another of these "distant shore" cases is exemplified a peculiarity we have previously remarked on, the *crescendo* style, which finishes in a burst of virtuous indignation. In this particular case it only rose from "mere" to "great." Thus we read: "The error, however, of which we have found him *guilty* can hardly be said to amount to a wrongful act or default, or even to an act of negligence; in our opinion it was a *mere* error of judgment." Yet eight lines further on the same act is described thus: "It was a *great* error of judgment." When such judgments are published, can the Board of Trade be surprised that people call these Courts of Condemnation. Is an error of judgment an act of which a man can be found guilty? In the Dictionary "guilty" is rendered "criminal, having knowingly committed a crime or offence. Wicked, corrupt, sinful." When the Board made an error of judgment in detaining a vessel and were mulcted in costs, did they consider themselves guilty of an offence? We might as justly find them "guilty of creating

“ the Wreck Commission, for the Courts are all full of errors
“ of judgment.”

In No. 1,122 the Court found the master had not used his lead, and had navigated his vessel without a chart, that being the custom of the coasting trade, but the Court found that “ The master gave his evidence with great fairness and candour, and made no attempt to keep any fact which told against him from the Court,” and as the Wreck Court had in the *Erl King* established the strange precedent that the custom of the trade is a good defence to a breach of the law, to punish which the Court was created, the master in No. 1,122 escaped punishment for a reason that we must record, for it is so different from that in the *Caldera* :

“ He appears to have been at sea for forty years, and for
“ the last nineteen years he has been employed as a master by
“ his present owner, who was called and spoke very highly of
“ him as a sound and careful mariner.

“ It is impossible for the Court to find that the master is not
“ in default, but taking into consideration all the facts of
“ the case, and giving weight to his high character, and the
“ fact that in the whole course of his career as a master, the
“ present is the first mishap he has met with, the Court is
“ disposed to treat his default in the light of an error of judg-
“ ment, and to caution him to be more careful in future, and
“ to use his lead and chart.”

Whereas, in the *Caldera* the judge referring to the master who had been in command for twenty-two years, said, “ We attribute his immunity from accident more to good luck than good seamanship.”

LIGHTHOUSE CHARACTERISTICS.

WE note an article in our contemporary, the *Shipping and Mercantile Gazette* for November 15th, which goes far to upset the clever, though we think, mistaken theories of Sir William Thompson with regard to distinguishing the lights upon our coasts by means of the Morse system of telegraphy. The writer states that "on entering the English Channel, wind S.W., moderate weather, dark but cloudy, *"inclined to fog,"* he observed a white light, but whether flashing or revolving could not be made out.

Being at the time fairly sure of his position, and expecting to see St. Angles Light, he naturally assumed the light seen to be the one looked for; but on calculating its distance and bearing, and pricking off the ship's position on the chart, he was at once made aware that his assumption was wrong. He then took a *cast of the lead* and carefully timed the interval between the periods of greatest brilliancy, and thus found that the light seen was the "Wolf Rock Light," with the red flash obscured by a temporarily intervening fog-bank. Now, if the commander of a large and well-equipped mail-steamer is unable to distinguish in such weather, as is often experienced in the Channel, between the Wolf Rock and St. Agnes Lights (whose characteristics we should think are widely distinctive), except by the *lead* and the intervals of greatest brilliancy, how much less would a man, not sure of his position and during dirty weather, be able to decide between two, three, or four quarter-second flashes at intervals of six, eight, or twelve seconds? and yet these are the latest theories that Sir William Thompson advocates! Had not "Master Mariner" been aware of the alteration in St. Agnes Light, and taken the precautions he did, he might have found himself in the position of the master of the barque *Liffey*, on whom a Court of Inquiry was held under the pre-

sidency of the Wreck Commissioner, Captains Clarke and Comyn sitting as Nautical Assessors. Reading the preamble we find that the master mistook the lights seen, and ran ashore. Referring to the judgment, we find that "the master" omitted to know the appearance of Coningbeg Light, and "conceiving it to be the Tuscar Light, without any inquiry, went on that assumption, took no cast of the lead, although that would have at once shown him his dangerous position, but considering that it was his first offence," and that he had otherwise been a good boy, "his certificate would be suspended for three months only." Captains Clarke and Comyn concurring, of course.

We may as well state here that the solicitor for the *prosecution* distinctly allowed in his opening statement that "the master *did* take a cast of the lead in 10 fathoms!"

We learn nothing as to the reasons why the master did not know of the alteration in one light and the establishment of another, reasons which *may* have exonerated him; perhaps he was too poor to buy new charts, and his owners would not do so.

No, these so-called Courts of *Inquiry* are really Courts of *Judgment* on unfortunates; the master is put on his trial, if alive, and is let off with "three months" if it is his "first offence," whilst, if the unhappy man has perished with his ship (as in the case of the *Cyprian*), he is severely censured, although the Christian maxim should hold good—"De mortuis nil nisi bonum." The only wonder is that the Mercantile Marine of Great Britain, than which no more important and influential body of men exist, should allow such a system to be perpetrated, resulting in a judgment such as that given at the inquiry into the stranding of the barque *Liffey*.

A RETRACTION.

AS infallibility is no privilege of the human nature, it is no diminution to a man's good sense or judgment to be found in an error, provided he is willing to retract it. He acts with the same freedom and liberty as before, whoever be his monitor; and it is his own good sense and judgment that still guides him; which shines to great advantage in thus directing him against the bias of vanity and self-opinion, and in thus changing his sentiments he only acknowledges that he is not (what no man ever was) incapable of being mistaken.

These observations of a learned and good man have ever been one of the lights by which we have steered this vessel on its periodical voyages. We have this month found ourselves in error, and we hasten to make amends. In our last two numbers in articles on Courts of Inquiry under the headings of "Boiler Explosion Bill" and "Subsidiary Report on the Loss of *Indian Chief*," we wrote, "not one really useful or practical suggestion has emanated from the numerous reports that have been published during the last three years," and "in not one report have we seen one useful or practical suggestion." We have just found suggestions made in two recent cases. In that of the *Iron Crown*, No. 1,151, the Court, in answer to the question whether the master "was misled by the confusion alleged to have existed between the town and the leading lights" replied, "the Court considers that the question should be carefully investigated by the lighting authorities."

We hope the authorities will at once do so and will not act as one of the papers reports with regard to a steam fog-horn at Scilly, viz., wait until next summer.

In the meantime to keep to our subject we heartily thank

the Assessors in the *Iron Crown* case, Captains W. Parfitt and H. C. Kennedy, for setting so good an example.

Did such results more often follow inquiries there would not exist so strong an objection to them.

In the other case, *Roumania* (s.s.), No. 1,123, we cannot accord so full a measure of thanks to Captains Castle and H. C. Kennedy, because the suggestions they make "for the consideration of the Board of Trade that all fishing vessels should be made to carry a red and a white light or some other distinguishing light or lights" (although exactly in accordance with the views of the Board of Trade, which department wishes to enforce by law the plan proposed) has been condemned by the Committee of the Shipmasters' Society of London in a letter addressed on 17th May, 1881, in reply to a circular from the Board of Trade. The following is an extract of the letter referred to:—

"My Committee consider it most undesirable to effect any increase in coloured lights which would tend to confusion, and for this reason they are of unanimous opinion that a trawler when at work should carry a white light at the masthead, with a right to show a flare at intervals, such flare to be exhibited at the stern."

We feel sure the great majority of masters in actual command will confirm the opinion of the Committee of the Society.

We hope that the gentlemen who have thus broken through the ice which has frozen in the energies of all the Assessors will continue to saw through the icefields that hold them fast until they set all free to sail with a fair wind to the haven of mind at ease and the anchorage of good repute among their brethren of the service who, under such circumstances, will hold with them a Merry Christmas and a New and Happier Year.

CORRESPONDENCE.

THREE OFFICERS' WATCHES.

To the Editor of the "British Merchant Service Journal."

SIR,—In the second number of this Journal, viz., February, 1879, a list of Local Marine Boards was given, to whom questions had been addressed as to the legality and propriety of allowing a third officer to take charge of a watch at sea; together with their replies.

Summarizing these replies, we find that out of seventeen Boards applied to, thirteen approve of the idea if the third officer holds a certificate of competency, two approve of him being allowed to do so when in the open sea, one declines to offer any opinion at all, and one only considers the proposal a dangerous innovation!! It would be satisfactory if we knew the reasons of the sapient Local Marine Board of Glasgow for their decision.

Now with such an array of opinions to back us, it ought to be possible to obtain legal sanction to such an arrangement, whereby not only would the officers be benefited, but as your correspondent, Captain Bain, in the August, 1880, issue justly remarks, the number of collisions and strandings would be sensibly reduced.

It stands to reason that, in tropical climates, where it is physically impossible to get any useful rest during the daytime, an officer cannot keep as vigilant a watch as should be kept during the night.

The Company which I serve, allows three officers' watches to be kept anywhere outside the limits of the English Channel; such limits being strictly laid down. When inside this imaginary line, the watches are what we call "doubled;" that is to say, divided into two, under the charge of the chief and second officers respectively; of course with a junior

officer to assist them. Now a chief officer in a larger mail steamer has much more to do than to keep his watch, numberless duties of an onerous and exacting nature keep him on deck all day long, so that rest is impossible ; a second officer too has his full share of work, and gets no rest in the daytime either.

Are these men fit to take charge of a large steamer, travelling from twelve to fifteen knots per hour in a crowded channel, during the long winter nights ? Of course they are not, and it is creditable to the officers of such ships that accidents so seldom happen ; and but for two circumstances there would, I am certain, be more mishaps, firstly, the high rate of speed attained, and secondly, the possession of steam steering-gear. Our system as at present practised, is to say the least of it a queer one ; for in the operations of the Company abroad, some most intricate navigation has to be done on dangerous coasts ; and in the steamers stationed permanently abroad, the land is hardly ever lost sight of, yet accidents do not occur, and three officers' watches are invariably kept ; if it were not so, an officer would get hardly any rest at all, for one of the branch steamers call at no less than twenty-three ports in nineteen days.

Another point worthy of notice is, that the third officer may, and often does, hold a higher grade certificate than his senior officers, and though considered by the Company to be competent to take charge of a watch outside the English Channel, yet when across the line referred to above, he is at once disqualified !! I myself when fourth officer, held a higher grade certificate than either the third, second, or chief, and I was not allowed to have charge of a watch at all.

The matter might well be left to the judgment of the commander, always premising that he would be exonerated if any accident happened, and the number of the third officer's certificate should be entered on the articles of

agreement, as is done at present in the case of the chief and second officers.

In the number for October, 1879, there appeared a letter from "W. C. S.," bearing on the subject, which I think was ill-advised, and out of place from a British Shipmaster.

Read attentively and carefully, it seems as if he shipped a third officer at a low rate of wages, *and* a few extras from the cabin table, instead of a boatswain and sailmaker. Are certificated officers expected to be tradesmen and work all day at repairing old sails to save the expense of a sailmaker? "W. C. S." does not probably see that he is considerably reducing the status of the Mercantile Marine officer by such a proceeding. Then, as to saving his owners expense, I should think *that* was self-evident, as a boatswain and sailmaker together would certainly cost £10 per month, whereas a third mate at moderate pay, means, I suppose, about 5s. a month more than an able seaman.

But it must not be forgotten that his officers work as hard or even harder than the men, and more willingly! I certainly thought that officers had other duties than the above, and it says much to the credit of "W. C. S.'s" officers that they do as he says, for although it does not need much penetration to perceive the gain to the shipowner, yet the advantage to the officers is decidedly problematical. In conclusion, let us hope that at no very distant date we shall have three officers' watches legalized in cases where the third officer holds a certificate of competency, and that when such is the case we shall not see third officers shipped in lieu of boatswains and sailmakers, but that each officer shall have sole and undivided charge of his own watch, getting his watch below intact (weather permitting) and *then* only will a man come on deck at all hours of the day or night, in a state of mind and body fit for the duty he has to perform.

MAIL STEAMER.

PILOT VESSELS' LIGHTS.

To the Editor of the "British Merchant Service Journal."

SIR,—Early in this year a "Notice to Mariners" was duly published to the effect, that, "on and after the 1st day of July, 1881, the pilot brigs at the Hooghly Sandheads will, when under weigh and cruising about, show the usual red and green side-lights. When they are hove-to, engaged in supplying or taking out a pilot, and thus not under command, the side-lights will be obscured, and the bright masthead light exhibited according to the regulations of the Board of Trade. On the near approach of a vessel, a white light will be shown over the brig's stern."

"The maroons or flare-up lights, as heretofore, will be burnt by the brigs every quarter of an hour whether under weigh or at anchor, from sunset to sunrise, in accordance with the aforesaid regulations."

Now, as a hint to the pilot vessels in other parts, I can say that the above plan has fully answered its purpose; that is, to show to an approaching vessel whether or not a pilot vessel is competent to, and will obey the rules of the road at sea; and that both pilots and shipmasters highly approve of the change.

To my mind, it is simply carrying out the regulations which came into force on the 1st of September of last year, which says that "a pilot vessel when not engaged on her station on pilotage duty shall carry lights as other vessels," which I believe means, when not actually hove-to, with her boat along side, or away communicating with a vessel; for surely all those words would not have been used if the intention was simply to say, "is anywhere else but on her station," and the same may be said of the counterpart to this regulation.

The use of side-lights, as set forth in the above-given

Notice to Mariners, by the pilot brigs off the Hooghly, had the sanction of the Board of Trade before it was put into practice.

Yours faithfully,

SAMUEL R. ELSON,

Senior Master Pilot.

Calcutta, 28th October, 1881.

"ACORN" AND "WILLIAM HARTMANN."

To the Editor of the "British Merchant Service Journal."

5th November, 1881.

DEAR SIR,—I have with much interest perused your article on the *Acorn* and *William Hartmann*. In the same you assume that it might have escaped the notice of the Court at Cardiff that they had no jurisdiction, the damage being only trivial. In the deposition by the captain of the *Acorn* the damage was estimated at £20. On behalf of the *William Hartmann* a survey on the *Acorn* was offered as evidence in which the damage was estimated at £2 (Two Pounds) but the Court refused to look at it. The Solicitor for the *William Hartmann* then asked the Court whether they found the damage to the *Acorn material*, as otherwise the certificates of master and mate could not be dealt with, and the Court said they considered the damage material. There is no doubt they were determined to find a "scapegoat" which you correctly remark is the chief aim of these Courts. It is a pity they cannot themselves be made "scapegoats" for the expense they have caused the witnesses and ratepayers.

Yours truly,

H.

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A GLASS OF GROG.

To the Editor of the "British Merchant Service Journal."

DEAR SIR,—It is not difficult to find the reasons why grog has almost disappeared from the Merchant Service, they are manifold. Captains have been demoralized by it, ships having been lost by it, teatallers rail against it; besides, there are other reasons. There is the question of expense but this is the weakest reason of all, for everyone is aware that rum in bond is a very reasonable article, but it is an extra and therefore in these days of vaunted economy it must be struck off the store list. Now this is only saving a shilling to lose ten. Take for example the ports along the Cape of Good Hope, where ships usually lie at anchor to discharge their cargoes. Men come off in the lighters to take the cargo, and at once begin talking of their pay, usually ten shillings to a pound per day; then they ask what sort of a ship theirs is and the reply is, "Oh, she is a good ship, we get grog here; I shall not leave her." Whereas in grog-less ships the reply is, "Oh, I shall not go to sea in her, we have not seen a drop of grog since we left home." Then evil thoughts are put into their heads about broaching cargo, and how easy this is in spite of locks and bars every master knows. Then you have to send the men to gaol and ship others at wages about half as much again as the original crew. Shipmasters are blamed for taking a more expensive crew which might have been avoided by a glass of grog; but this is not all. Captains after a long voyage and enforced teatotalism march to the first hotel they see and shortly become the prey of agents, shipchandlers, and others whose business it is to make the ships leave as much money behind them as possible. Ship-owners doubtless have their glass of grog or wine, then why deny their masters and men this little luxury which might save them many a pound.

Yours truly,

"WINDJAMMER."

THE "DUKE OF BUCCLEUCH" AND "BENIN."

To the Editor of the "British Merchant Service Journal."

DEAR SIR,—It was with pleasure I read your numbers for August and September, which I lately received by post, and I am glad to see that you are working in your usual indefatigable way for the benefit of shipmasters and officers. I was really astonished to read the judgment in the case of the *Duke of Buccleuch* and *Benin*. But what astonished me more was to see the names of three gentlemen who are supposed to be practical men and possessed of common sense attached to that judgment.

Would anyone possessed of one grain of sense suppose that a man would *wilfully* endanger his own life and that of others. If such a man could be found (which Heaven forbid) then he is deserving of the severest punishment the law can inflict.

But according to the ideas of the Wreck Commissioner and the ideas of the three Assessors, such a man has been found. Why then, if the presiding officer can prove what he says, and in which the Assessors concur, is this man not dealt with as they think he should be? Comment is superfluous.

It is high time the Court be made accountable for language which even its position will not allow it to use with impunity, and I am glad to see you are taking the matter in hand with a good will.

Wishing you every success, believe me, Dear Sir,

Yours obediently,

T. H. E.

STOWAGE OF STEAMERS.

WE enter on this subject without any desire to promulgate any particular theory.

In former days the chief consideration to be studied was the ensuring sufficient stability to carry sail. Now-a-days the nature of the cargo to be stowed in steamers having virtually neither masts nor sails has so materially altered that much more thought and care is requisite than experience had taught us was sufficient in sailing ships.

To assist us in coming to a comprehensive conclusion on the seaworthy qualities of cargo steamers, we must apply some well known and accepted theories in our investigation.

The simple manner in which we have "Moorsom's Measurement of Tonnage Rule" placed before our readers in the *Journal* of last month, must recommend itself to men most averse to long calculations, and will invite seekers of knowledge to search further for the application of such easy formulæ to the ultimate safe stowage and seaworthiness of the ships in which they are about to risk their lives.

This rule of Moorsom's, although given only for a rectangle and a semi-circle, applies equally to any vertical or horizontal section of a ship to be measured, and to obtain accurate results only requires sufficient subdivisions to be made.

It is also the rule in common use for calculating displacement and other necessary data for measuring stability.

It is with this question of stability that we are now most concerned. To obtain the best results in steamers it must, like most of the good things in life, be used in moderation. Many ships have lived on a sufficiency of it, while undoubtedly many have been poisoned by an excess of it.

A writer of some authority stated some years ago "The ignorance of facts which prevails concerning the stability

"of merchant vessels is so dense that it perhaps requires these disasters to assist in its dissipation." Can we refute this statement satisfactorily even to-day?

Again, Mr. Martell, Chief Surveyor of Lloyd's, stated lately, "That in considering loss of shipping arising from overloading and improper stowage it is impossible to acquit shipmasters of all blame, although they risk and too often have to pay the penalty of their lives in return for their mistakes, whether they arise from ignorance or inadvertance."

"No compromise in form or proportions will insure safety, unless in loading the ships those who are in command exercise more intelligence as to the question of stability."

With such accusations standing against us it behoves us to investigate the subject. Many masters try to shift their responsibility for safe stowage on the stevedore, but this is nothing less than absolute neglect of duty. The stevedore, being under the master's orders, is most certainly not responsible at law, but the master "who knowingly takes an unseaworthy ship to sea" is liable to be found guilty of misdemeanour.

To escape the penalty of the law, it is useless to plead ignorance on a subject which it is the master's business thoroughly to understand.

Knowledge of stowage gained by experience with the rule of thumb often costs too dearly in life and property, and is little creditable to the learner in these days of proving all things.

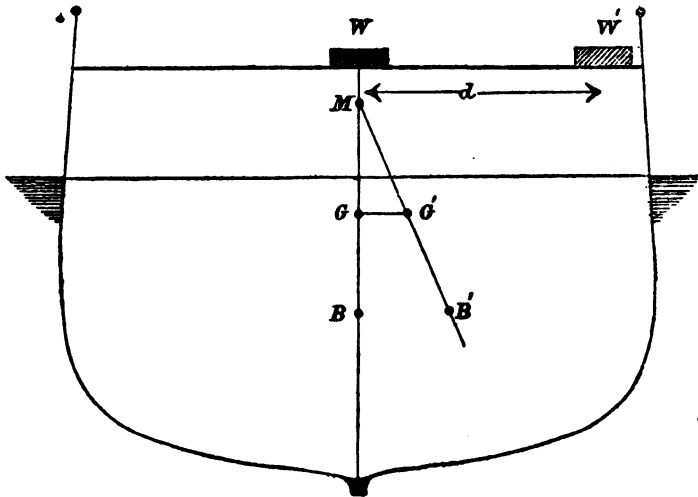
There being a method of testing the stability of a light or loaded steamer, which may be applied as quickly and cheaply as swinging a ship for compass errors, there can be no excuse for the ignorance complained of.

In the case of new ships, it is now becoming customary for the builders to supply a scale of displacement for different

draughts from light to deep load-line ; in the case of old ships this may be obtained by remeasuring with Moorsom's Rule.

The builders may at the same time supply for each separate load-line a metacentre, commonly called the "metacentric curve." With these data, the displacement curve and the metacentric curve, it is, with a little trouble, easy to make a small experiment that will give a curb of stability for all future guidance. Thereby insuring the best behaviour possible for the ship after stowing any cargo that may offer.

Although Mr. Barnes explained this easy process twenty years ago, it has seldom been applied to merchant ships. If in all instances the stability of ships was tested and recorded before sailing, there would indeed be some hope of knowing the causes for so long a list of missing ships with homogeneous cargoes.



In the accompanying figure, B represents the centre of buoyancy, or the centre of water displaced by the whole weight of the loaded ship. M is the metacentre, or the centre round which the point B resolves hydrostatically. G is the centre of gravity of the whole ship and cargo. The position

of G depends partly on the construction of the ship, but depends more on the distribution of weight in loading.

To determine this position of G is the object to be attained by the experiment. The distance $G M$ being the measure of stability, the centre of gravity G ought to be in or a little below the water-line.

The positions for each load-line of B and M being obtained either from the builder's lines or remeasuring by Moorsom's Rule, a full example of which may be found in several treatises on shipbuilding.

To measure the distance $G M$ by experiment, place a known weight on deck amidships at W , being careful that the ship is upright. Remove this weight to W^1 as far into the side as possible, or as far as is found necessary in a crank ship, carefully measuring this horizontal distance at right angles from the centre line and call it d .

To accurately measure the angle of heel caused by the removal of weight, hang a plumb-line down any convenient bulkhead, such as an engine-room bulkhead, having a depth of twenty-five feet if possible.

A scale of inches being laid off, at right-angles, from the foot of the plumb-line, when the ship is upright, will give a measure of *natural* tangents for the angle of heel.

With a radius of twenty-five feet, thirty inches on this scale of natural tangents is equal to one-tenth or an angle of five degrees and three-quarters. With a radius of sixteen feet and eight inches, the same angle is measured by twenty inches. With a radius of eight feet and four inches, the same angle is measured by ten inches. To simplify measurements these radii may be used as three, two or one inch respectively being one-hundredth part of the radius.

A table of *natural* sines, tangents, &c.,* will give the value of the angle thus measured, which call θ .

* A *natural* sine or tangent is the absolute measurement of the side compared with radius.

The distance $G M = \frac{W \times d}{D} \cdot \cotang \theta$ where D equals the displacement made by the ship at the time of experiment, taken from the builder's scale according to the exact draught of water at that time.

Forexample, if in a ship having her centre of buoyancy 6.27 feet below load water-line, and her metacentre .45 feet above the load-line, also having a displacement of 1,600 tons, with* ten tons placed on deck amidships, then by removing it sixteen feet towards the side it will be found that the angle of heel measures one-tenth of the radius, or is equal to $5^{\circ}, 43'$.

Then $\frac{W \times d}{D} \cdot \text{nat} \cotang \theta = \frac{10 \times 16}{1600} \times 9.93 = .993$ feet, the metacentric height of M above G , or G is .54 feet below the water-line.

This, in a spar-deck ship loaded nearly down to the main-deck, would give easy motion and safe results.

By this means of actual measurement of a ship's stability, trustworthy information will be obtained, thus enabling a master to feel great confidence in stowing any cargo he may be called upon to carry, more especially a homogeneous cargo, as coals or grain.

Many ships with these cargoes, we may safely affirm, would never have put to sea if such an experiment had been made on them.

Ten years ago it was said, and the same fact still remains, that until underwriters take into consideration in calculating rates of insurance, the seaworthiness of ships from good stowage and in all other respects, the strength of build alone will not insure safety.

The Admiralty certificate which guarantees the thorough sub-division of a steamer by water-tight bulkheads, assuring that the piercing of no single compartment can sink a vessel,

* Filling water tanks is a handy method of moving weights.

will not bear its full fruit, unless each compartment is so laden as to insure its being proportionately water-borne.

Although this paper only refers to a transverse metacentre, the same calculations may be made for a longitudinal metacentre. This bears considerably on the question of centralising the weights in stowage to prevent pitching and scending, which not only strains a ship but reduces her speed.

The consideration of these and other points of stowage we must leave to a future time.

WRECK REGISTER FOR 1879, 1880.

WE re-publish part of the Wreck Register for 1879, 1880, a document of a painful nature, which must deeply interest our readers. It is an annual record of loss of life and property that will never cease to befall the country, for no precautions can insure ships from the dangers of our coasts : nothing that man can do will avert storms, nor can the law make sailors vigilant at all hours and under all circumstances. More lighthouses and lightships and the enforced use of the latest charts may render navigation more easy, and better appliances and more precautions may add to the number of lives saved from wrecks, but accidents will continue to happen. Unfortunately, 2,519 wrecks occurred on our coasts and seas last year, and these are fully and minutely detailed in the Register. The 2,519 wrecks of 1879-80 include every kind of maritime disaster. Thus, of the whole number of wrecks, casualties, and collisions, only 355 cases involved total loss, or about one in seven of the vessels lost or damaged, while only 81 of the cases were accompanied by loss of life. Deducting these 355 destructive cases from the year's

casualties, the balance consists of 1,130 more or less serious disasters, and 1,034 other wrecks. The aggregate number of shipwrecks in twenty-six years is 51,841, and, what is still more lamentable, the actual loss of life from these shipwrecks is 18,550 lives, a total nearly equal to the number of men who man the British fleet.

Distressing as this fearful loss of life undoubtedly is, apart entirely from the vast destruction of property recorded, the loss of life would have been truly appalling in the absence of the ceaseless exertions during the same period of the National Lifeboat Institution, supplemented by those of the Coast-guard and the Rocket Brigades, under the supervision of the Board of Trade. The number of lives which the institution has contributed to save during the corresponding period named above is 18,736. Such a record of noble deeds done as this statement shows needs no comment; for it stands alone in the world's history as regards the saving of life from shipwreck, and is a monument of Christian philanthropy, of dauntless intrepidity, and of the ingenuity of the age in which we live. It appears that 3,138 vessels were involved in the 2,519 wrecks of the year. The number of ships is in excess of the casualties reported, because in cases of collision two or more ships are, of course, involved in one casualty. Thus 603 were collisions and 1,916 were wrecks and casualties other than collisions. The localities of the wrecks, still excluding collisions, are thus given:—East coasts of England and Scotland, 573; south coast, 360; west coasts of England and Scotland and coast of Ireland, 747; north coast of Scotland, 64; and other parts, 172; total, 1,916. The greatest destruction of human life happened on the west coasts of England and Scotland and the east coast of Ireland. On the wreck chart which accompanies the register for the year under consideration the sites of the various shipwrecks are delineated with great accuracy, and the havoc thus created is clearly depicted. The chart, however, does not tell

the important fact that the lifeboats of the Institution, the rocket apparatus of the Board of Trade, and other means, save every life from shipwreck on our coasts that it is practicable to save.

Excluding collisions, 405 steamships and 1,511 sailing vessels were lost or injured on our coasts last year. Of the 1,674 British ships meeting with disaster in the year, 872 did not exceed 100 tons burthen, 459 were from 100 to 300 tons, 107 were from 300 to 500 tons, and 236 were above 500 tons burthen. Of the 237 British vessels totally lost, irrespective of collisions, 23 are known to have been built of iron; and of this number 18 were steamships and 5 were sailing vessels. The Wreck Register only gives the winds in 679 out of the 2,519 cases. Dealing with these 679 cases only, we find that the winds that have been most fatal to shipping on and near the coasts of the United Kingdom during the year were as follows:—North to east inclusive, 107; east by south to south inclusive, 138; south by west to west inclusive, 310; and west by north to north by west inclusive, 124—total, 679. On distinguishing these last named casualties according to the force of the wind at the time at which the disaster occurred, 310 happened with the wind forces 7 and 8 or a moderate to fresh gale, when a ship, if properly found, manned, and navigated, ought to be able to keep the sea with safety; while 369 disasters happened when the force of the wind was 9 to 11—that is to say, from a strong gale to a storm. Happily the casualties to ships in our rivers and harbours were not so numerous during the year, the number having been 729, of which 9 were total losses and 720 were partial casualties. Of these casualties, collisions numbered 526, foundering 3, strandings 144, and miscellaneous 56. Of the collisions during the year, 48 of the 603 cases were between two steamships both under way, 181 between two sailing vessels both under way, and 164 between a steam-vessel and a sailing vessel both under

way. The importance of this fact cannot be overrated, for it is hardly possible to conceive a casualty more awful in its consequences than a collision between two great ships at sea. As regards the loss of life, the Wreck Abstract shows that the number was 231 from the various shipwrecks enumerated during the twelve months—a number fortunately smaller than was ever previously known, notwithstanding the large number of wrecks of the year, and the constant increase of new ships. In the midst of this doleful record of disasters at sea in one year, it is gratifying to observe that by means of the lifeboats, the rocket apparatus, and other agencies, in conjunction with the successful efforts used on board the distressed vessels themselves, as many as two thousand nine hundred and twenty-three lives were saved from the various wrecks on our coast last year.

To a peculiar part of this document we desire to draw attention, in order to show that the official of the Board of Trade who compiles it seems to have no trouble in deciding the cause of casualties, and his decision is evidently accepted by the Board as correct. We read figures showing that between 1861 and 1880 the number of British and foreign ships which were wrecked on our coast, and in whose case life was lost, was 3,109, resulting in the loss of 14,711 lives—a most distressing fact, showing the urgent necessity of continued and ceaseless efforts for rescue. The total number of English ships which appear to have foundered or to have been otherwise totally lost on our shores, from defects in the ships or their equipments, during the year, is 30; while 68 happened through the errors, &c., of masters, officers, crews, or pilots; 97 through stress of weather; and 42 from other or unknown causes. The number of casualties arising from the same causes during the year, and resulting in serious damage, is as follows:—Through defects, 45; errors, 115; stress of weather, 213; other causes, 126; while the cases of minor damage were, through defects, 62; errors, 132; stress of weather,

581; and other causes, 163. The information on which this decision is based must be the same, viz., the statements extracted by the Receiver of Wreck, as that on which is grounded the brief of counsel who appears for the Board of Trade to prosecute the master—in official language to appear for the Board “in the matter of the formal investigation into the circumstances attending the——” casualty whatever that may be.

If this information is sufficient in so preponderating a proportion of the cases why does it not suffice in the few that are brought to trial. There is to us, who constantly scrutinize the published decisions, such an apparent absence of any reason for some of these investigations that we cannot avoid the conclusion that they are taken at hazard to find work for a certain number of persons. A few cases are undoubtedly taken up because they have excited the public interest. We do not refer to cases where life has been lost because they are necessarily investigated, but many inquiries are so palpably objectless that to find occupation for the Courts created by the Board seems the only reason for them. If the official decides so many satisfactorily he might easily decide the rest—the cruel expense put upon the masters in the cases selected for trial ought to insure that only intricate cases from which some public good can be derived should be investigated. The Wreck Court could then be abolished—it costs an enormous sum, is productive of no public advantage, and does nothing but create discontent in the Mercantile Marine and throw very great discredit on the Board of Trade,

COURTS OF INQUIRY IN THE MERCANTILE MARINE.

*(Paper read before the Members of the Shipmasters' Society,
8th December, 1881. Captain A. G. FROUD in the Chair.)*

GENTLEMEN,—Your presence this day has been invited in order that a matter of the greatest importance to the Merchant Service may be brought before your notice and thus afford an opportunity for the expression of your views on the same, which will materially assist in bringing to a satisfactory issue the arduous work which is being carried on.

The subject for discussion is the system under which Courts of Inquiry are held in the Mercantile Marine, but before we enter thereon it is advisable to inform you, that, in accordance with instructions received from your Committee, I have quite recently completed a tour undertaken for the purpose of visiting the principal seaports in order to interview the representatives of the various branches of our merchant shipping.

It will be readily understood that personal acquaintance between the secretaries of the Shipmasters' Associations is most desirable, as these gentlemen, after an interchange of opinions, are better able to sympathise in the difficulties that each of the others has to contend with in the district to which his duties are confined, and to appreciate the points each has contributed towards or gained in the up-hill work which it is the object of all to crown with success. To me individually these interviews have been of the greatest value for they have placed me in a position to acquire a greater insight of the views held by the Service relative to the procedure under which investigations are held into shipping casualties, and I have in the course of conversation

obtained more information than could have been gained by reams of correspondence.

The reception with which I met was in every way cordial, and your Committee now desire to express their thorough appreciation of the readiness with which interviews were granted, and of the hospitality shown to me in every port.

It may fairly be said that the various representatives of the shipping interest are *unanimous* in the condemnation of the present system of inquiries. The opinions expressed were more forcible than I feel justified in repeating; but the tone in which the remarks were made was an unmistakeable sign of the bitter feeling existing throughout the country.

Numerous objections are offered to the system, and the peculiarities attending the Court of each district are carefully noted and I am informed are frequently protested against in official correspondence.

In some ports (rotten though the system is considered to be), those conducting the investigation apparently strive to carry it out in a manner which will jar as little as possible on the feelings of witnesses, realizing that to them is applied a form of justice which would not be tolerated for a moment by any other class of British subjects.

The Assessors when not sitting in the Metropolis carry on the examination of witnesses upon practical points in lieu of the case being left in the hands of the legal profession. The Assessors it seems divide their duties thus, one devotes himself to all points referring to seamanship, the other to those of equipment, loading and stowage. The judgments being written (frequently by the Assessors) and signed previous to delivery, the opinions expressed therein are not afterwards repudiated.

The practice of the Wreck Court was naturally discussed, and great sympathy was expressed for the London shipmasters, as it is towards the Metropolitan Court that so intense and universal dissatisfaction is evinced.

Of this fact the officials must be well aware though little is done to remedy the evil ; but were it possible to bring forward the correspondence which would be found in the archives of the Board of Trade, and to give publicity to every complaint made against the Inquiries, it is not too much to predict that the Department would speedily find it advisable to introduce a measure whereby to rid itself of so many unpalatable documents, and to relieve it of the responsibility of framing replies which although drafted in strict accordance with red tapeism can only be regarded as constructive censure.

Striking examples of complaint will be found in Parliamentary papers, Nos. 330-380 of 1881, containing the correspondence which ensued between the Board of Trade and others relative to the official inquiries into the cases of the steamships *Garnet* and *Bristol City*. In the former we find the Board of Trade invite opinions, but when unpleasant remarks are expressed the Board promptly disclaims the right to discuss the judgments of the Wreck Court.

Turning to the latter, this extraordinary statement meets one: that the Wreck Commissioner does not consider himself responsible for his *viva voce* judgment, and that he limits his responsibility to such written judgments as bear the signatures of himself and his Assessors. These documents should be kept prominently before the public for they afford ample justification for the discontent which exists throughout the length and breadth of England.

With the passing of the Shipping Casualties Act of 1879 came a sincere hope that much had been done to bring the whole system of inquiries into harmony with the fair and just requirements of the Merchant Service, and all interested in this important question were ready to give it fair trial.

But as months passed by, the beneficial legislation was gradually set aside, and those regulating the inquiries failed to embrace the opportunity for instituting reforms. The

rules upon which depended the success of the Act have been upset, and the Courts have now returned to the lamentable position they held previous to 1880.

It is not proposed on the present occasion to refer to the shortcomings of the various Courts. These have been, we believe, thoroughly ventilated and discussed in the pages of the *Service Journal*, and the fullest light has been cast upon the extraordinary procedure which weighs down the Mercantile Marine.

The opinion is gaining ground that the object of the Maritime Law is to find a scapegoat, and it is a matter of congratulation that one of the daily papers has taken up the subject, and by a series of very interesting articles is drawing public attention to the evils of a system already condemned by Royal Commission, but perpetuated owing to the paucity of representatives in the legislative councils.

Our labours therefore become the more arduous, for we have to gain the public ear, and to enlist the sympathies of those who can if they are so disposed, materially assist our efforts to urge Government to remodel the Court of Inquiry so that it shall command the respect of all men, and above all receive the confidence of those appearing within its portals.

The duties to which all those connected with the Mercantile Marine have to attend are numerous and pressing, and it is therefore not to be expected that they should remember all that has been said relative to this iniquitous system. But as your Secretary, and consequently told off to the "look-out," it is my duty not only to yourselves, but to the entire Merchant Service, to report everything that I hear or observe a-head.

On a previous occasion, by way of illustrating the value of such Societies as have been established by Masters and Officers, I quoted the words of high authorities condemnatory of the system. I now, as my justification for again bringing this subject before you, would refer you to the speech made

by Mr. John Glover, on the occasion of the Fourth Annual Meeting of the Shipmasters in London.

“ There is one subject about which I see you are complaining, and it seems to me you are complaining with most excellent reason. The law has made you a professional class. * * * * You are right in insisting on having the rights of a professional class, and at present you are not getting them. I think that state of arrangements by which an inquiry is held, the nature of which it is impossible to foresee, by which a master may find himself deprived of his certificate, is a most un-English proceeding, and is a proceeding so far as I know, which has no parallel in any other legal procedure in England. Moreover, it is not only an opinion that you may be likely to form on that subject, but when you know that the Royal Commission, which sat a long time on shipping subjects, gave a most exhaustive attention to them, and at last made a final and deliberate and very judicial report, which is distinctly against that practice, I think *you are right in determining to keep before the Board of Trade and the Legislature, that recommendation of the Royal Commission, and to keep it before their attention until you get it in an enactment.* * * * *

“ Suppose that opinion had been against you, you know the authority of the Royal Commissioners would have been pleaded against you for the continuance of the present state of affairs of which you are complaining. After careful inquiry they have given this opinion in your power, and *you are, I say, right and wise in seeing that that opinion should be acted upon, and not giving up your efforts till it is.*”—*Vide*, Vol. II., *British Merchant Service Journal*, pages 317-18.

With a view to facilitate discussion the chief features of the system under which inquiries are conducted may be given briefly as follow :—A casualty having occurred, the master, officers and crew, so soon as they have reached shore are called upon to make depositions on

oath, and are liable to penalties should they refuse to comply with the Act. The documents completed, are transmitted to the Board of Trade, where an official looks them over, and determines whether to institute inquiry or not. The cases selected are then placed in the hands of the legal department, and from the depositions the brief for counsel is drawn, and according to the points disclosed the charges are compiled. The day for inquiry having been appointed and the witnesses given scant notice, possibly three or four days, counsel appears for the Board of Trade, and doubtless with the object that the depositions should not appear to be used against those subpoenaed, the witnesses are usually requested by counsel in very persuasive tones, to "kindly tell the Court in your own language the circumstances attending the casualty."

This narrative ? accomplished with considerable prompting from the brief, the witness is cross-examined, and that ended, he becomes subject to a far more criminating examination undertaken by the presiding officer, who by this line is deposed from his position of impartiality, and is often regarded as prosecutor to the Crown. All the witnesses having passed through this ordeal, the charges most likely to suit the points brought out in examination are selected from the brief, copies being handed to the Court and parties concerned.

The defence is at once entered upon, and after a brief consultation the presiding officer gives oral judgment, and a remarkable discrepancy is generally found to exist between it and the report issued by Government.

Any one conversant with the extraordinary and speculative charges sometimes made, will readily understand how impossible it is to have special evidence ready. But if an adjournment were made for a few days to enable the accused to prepare their defence, the costs of the trial would be materially increased ; moreover, the mode of examination would not thereby be amended.

It has been pointed out that one of the objections to the practice of making no charge previous to the investigation, precludes the acknowledgment of default. If this course were admissible and an officer desired to admit his error, there would be a considerable saving of expense, and the Inquiries might be reduced to a small compass; but if the Board of Trade desired a full investigation, they could in such a case conduct it at their own expense.

The evil which lies at the root of the question is the mixing up of an investigation into the causes of a casualty with the trial of an officer for wrongful acts. If the wrongful acts caused the casualty, why should an investigation be instituted? If an investigation is considered to be necessary, surely the trial must be premature.

Many suggestions for the reformation of these Courts have at various times and in various places been put forward, those which seem to be more usually approved of, are the following :—

1. The Assessors should be practical seamen selected from the Merchant Service and well-known for their professional abilities.
2. The number of Assessors should be limited so as to give sufficient remuneration to induce good men to devote themselves entirely to the work.
3. The Assessors should be made an integral part of the Court, not merely as advisers, but directly responsible for the judgment given.
4. That oral judgment should not be given, the judgment should be written and signed before being made public.
5. That there be a severance between the inquiry into the cause of the casualty and proceedings of a criminal nature.

The real remedy is said to lie in the abolition of the proceedings previous to the charge, *if officers are to be tried.*

This it would appear could be effected without detriment to the public interest, and for this reason, the Board of Trade

possess the power to obtain evidence of persons before going into Court, and it possesses power to enable it to extend its preliminary inquiries far beyond the evidence of those persons who were on board at the time of the casualty.

These powers have been conferred by Section 14 of the Merchant Shipping Act. The Board of Trade "may appoint any person as an inspector to report to them upon . . . the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused." Section 432 authorises the inspecting officers of the coastguard or principal officers of the customs, or any other person appointed for the purpose by the Board of Trade, to make inquiry respecting all such casualties as can be the subjects of Formal Investigations, and, for the purpose of such inquiry, these persons have the same powers as inspectors under Section 14. Therefore, each of these persons have, by Section 15, power to examine any ship or premises, and to summon any persons and examine them, and require such answers and returns as he thinks fit; and to enforce the production of all books, papers, or documents which he considers important; and to administer oaths; and any person not complying with orders made under these powers, or impeding an inspector, incurs a penalty not exceeding £10 for every such offence. Therefore, not only the persons on board the vessel at the time of the casualty, but any material witness may be examined on behalf of the Board under these powers; thus enabling the Board to obtain, if it wish, far more evidence than it could get in open Court before making the charge. And not only is this power of "preliminary inquiry," as it is called, greater with regard to witnesses, but it confers the additional rights to demand the production of documents, and to inspect property. It is thus perfectly clear that there is no pretence for saying, that any new facts are obtained by the

Board from the examination of witnesses in open Court, before the charge which could not be otherwise and more conveniently obtained before any proceedings have been taken at all. In other words, there is no reason whatever, so far as knowledge of facts is concerned, why the Board of Trade should not conform to the ordinary rule and make a formal charge before trial.

"As it has been shown above that sufficient machinery already exists to enable the Board to ascertain the facts, and make its charge beforehand, it only remains to suggest, that when the Board has placed itself in possession of the facts, it should, in cases where it desires to proceed to trial, deliver to the officer to be tried, a formal charge in writing, setting out the full particulars of the alleged defaults.

"The charge should be accompanied by a form, to be filled up by the party charged, by either simply denying or admitting each several default charged. He should be allowed to accompany any admission of a default by a statement of any extenuating circumstances (such as sickness) upon which he may rely as affording some excuse for his conduct. If upon the return of the form in answer, the Board elects to try any denied default, it should give notice of trial, in writing, to the party charged, stating the issues to be tried, and the time and place of trial, and such time should be not less than, say, fourteen days, nor more than, say, twenty-eight days, from the date of delivery of the notice. Copies of the charge, answer, and notice of trial should be served upon the owners of the vessel."

A favourable opportunity offers for placing before the authorities the principal objections to the system, for the President of the Board of Trade, in announcing his determination to prevent red-tape interference with his duties and the public, has admitted that the legislation for shipping is unsatisfactory, and that it has in instances broken down. The Board of Trade is said of itself to be insufficient, and to

assist it the creation of a "Shipping Council" is requisite, "which should be, in the first place, and above all, representative of the shipping interest—not a branch, but of all branches of the shipping interest. . . . It would also be desirable to add to them representatives of those great insurance companies which could, if they chose, give us such valuable and effective assistance." . . . "This great Council would . . . advise and assist the Board of Trade, and might enable it to form conclusions, to make regulations which now, I am sure, it is quite incompetent to do."

As we have the promise of support from Shipowners and Underwriters it behoves the various Shipmasters' Associations to earnestly engage in the discussion of the best method to improve the procedure of the Courts of Inquiry before which officers of the Merchant Service have to appear.

Captain Holt: Having been through the mill, though I am thankful to say it was nothing to do with my ship, I have had a chance to witness the procedure of the Courts as detailed by Mr. Cramer, and am able to bear testimony to the correctness of his remarks,

I was requested to go to Tower Hill to furnish every information that I could give to facilitate an inquiry into the loss of the *Corsica*. I received a short note, it was not quite so bad as this which the Secretary has placed in my hands, and which you should all see, for it is a disgraceful thing that a commander should be thus treated. The note I had surprised me, it was written I should say by a small school boy of nine or ten, who had just been called in to mind the office and was told to put his best ideas together. I, however, having nothing to fear, went to the Dock House, where I was received civilly enough, but others are unfortunately not so treated. This scrap of paper reminds me of the tickets sent by the butcher with the meat. It is difficult to believe it is an official document. The captain rightly

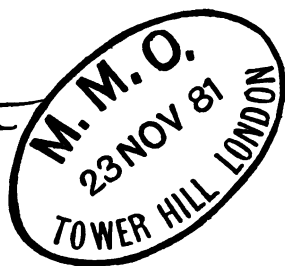
enough paid no attention to it, whereon a larger sheet of paper was used, and the contents ran thus :—

“ Sir,—Will you kindly come here as soon as possible. I send this request by order of the Board of Trade.—Your obedient servant, —.”

What, I ask, is the Board of Trade about, that it permits the Merchant Service to be hampered by officials, who treat us with letters resembling, butchers' memos. All I will say, though I feel very strongly, is that it is most lamentable.

The question is asked us : What shall take the place of the present system ?—and we must reply in some definite form. First and foremost we require to be tried by our peers. (Hear, hear). I have recently been pulled up in the evidence I gave in the Wreck Commissioner's Court. There was an Admiral sitting as Assessor, who, in as polite a manner as

The Commandant
of the
"Morris"



Sir
Could you kindly call
here tomorrow & oblige
Yours obediently
J. W. Wood

possible, contradicted me. You have, no doubt, seen that I said the coast to the N.W. of the Tagus was unsurveyed, and the Admiral said, "it's not so."

I did not enter upon the point, feeling I was not on equal terms, but the next day I asked Commander Hull, another Naval officer, to come and state his knowledge, and thus bring Greek to meet Greek. I knew that I was very well informed on this point, and I felt indignant being told I knew nothing about it. With all due respect to Naval officers, I say there are hundreds of men in our own service who could sit with credit to the Courts, and try our cases, and we do not need to have those to judge us whose knowledge of nautical matters has been obtained in a totally different school. We must assert our rights and lift up our heads and demand to try our own cases. We must have a downright Mercantile Marine Court Martial. A man will then know that he will be tried by his peers, and will have confidence and respect for the Court, and when punished would know that it was deserved. When I was lying at Palermo, and meeting a Royal Naval officer, commanding one of H.M. ships, we discussed the subject so prominently brought forward in the *British Merchant Service Journal*, and he said I might give it as his opinion that we should hold our own inquiries without a lawyer as president, and that there could be no reason why we should not do so.

I have been to the Court at Westminster, and I say there is neither learning, truth, nor justice to be found there, nor is there anything to inspire confidence or respect. We must speak plainly, the profession is being disgracefully treated, and the Wreck inquiries are lowering the tone of the Service. The Court is useless, the judgments are inconsistent and as we know are considered of no value. Why should such a procedure be kept up, the cost of which amounts to thousands of pounds, and does no good to anyone.

Captain BEDFORD PIM thought that a great point is to

increase the numbers of the Society, for then it could assert its position, and go straight in. The views of practical men, when thoroughly bound together, could not fail to be respected. If the Society would work hard it could do what it wished, the unanimity of voice would carry all before it. Referring to the paper read, the speaker thought that the Secretary had not drawn attention to one-quarter the indignities to which the Service is subject. The Courts treat the witnesses appearing without the least respect. He had observed this on many occasions when sitting in the Court. It appeared to him that a more satisfactory state of things would be introduced if the Elder Brethren of the Trinity House would look over the depositions and decide whether the cases should go for trial; by this means there would never be an inquiry which was of no good to the country. The Trinity House is composed of gentlemen who served in the Merchant Service, and they would at all times command respect, as they have for years.

Captain SHINNER was of opinion that the Secretary had drawn attention to most important matters, and the members of the Society should put their shoulders to the wheel, and bring the question to the front and not relax their efforts until the Courts are amended.

The CHAIRMAN: Gentlemen, I think what has been read this day will assist us in discussing what should be done to improve the Courts. The slip of paper shown us is a fair sample of the disgraceful way in which we are treated. These letters which are virtually trapping the master into his deposition, are first written in a persuasive style; that failing, "an order by the Board of Trade" follows, and eventually threats are employed. I have only lately been shown some letters sent to one of our members who I am glad to say treated them with the contempt they deserved, and he has since heard nothing further. We are treated, I say, in a most disgraceful manner. Captain Pim has sug-

gested that the depositions should be examined by the Trinity House, but I fancy it has quite as much to do as it can manage. I have, however, heard the Secretary speak of a plan which to my mind seems to meet the requirements, and it is somewhat on the lines indicated by our friend Captain Pim. The idea has recommended itself to me and to the Secretary from what he has seen us do at our Board when a case is brought to our notice. Before we place it in the hands of the solicitor we put certain questions to the master, and we are very soon in a position to judge if the case is good, bad, or indifferent. There is no need of lawyers, for they frequently prolong the investigation by ignorant questions. What might be done is this: Appoint a Nautical Board, not composed of gentlemen who fail to exercise their legitimate functions, but of men whose reputation in the Merchant Service is established, and whose opinions would be respected. To these gentlemen depute the task of overhauling all depositions, and authorise them to put such questions to the deponent as seem advisable. When the replies (written) are received, let the Board judge whether they are satisfactory, and if the casualty, as then represented, appears to be such as does not require investigation, let a certificate to this effect be issued. On the other hand if the replies are of an unsatisfactory nature, and the deponent is apparently keeping back something, hold an investigation, *but* forward the charges to the person whose conduct is to be tried. The Court before which these cases should be brought for trial, should be composed of say three Assessors, two of whom should be as now appointed by the Home Office, the third to be selected from some vessel in port, in order that the views of one actually in command would always be brought to bear. These gentlemen would, of course, select a president, and they would be *assisted* by a lawyer, whose duties would be to guide the Court on all points—legal. Such is the outline for

the composition of a Court, which it is thought would meet with the approval of the Service, and in which both the public and those appearing before it would place confidence.

Captain WILLIAMS thought such a scheme would act beneficially, and approached very close to what was required.

The CHAIRMAN having invited the opinion of the meeting on this point, the members generally signified their approval of the scheme.

Several gentlemen having addressed the meeting upon the existing system—

The following resolution was carried unanimously :—

“ Resolved that this Society take immediate action for the purpose of bringing the subject of Courts of Inquiry in the Mercantile Marine before the Government, and this meeting requests that the Committee will confer with the kindred societies, shipowners, and underwriters, in order that a deputation may wait upon the Board of Trade, and petition for a Royal Commission to inquire into the system which is seriously lowering the status of the Merchant Service.”

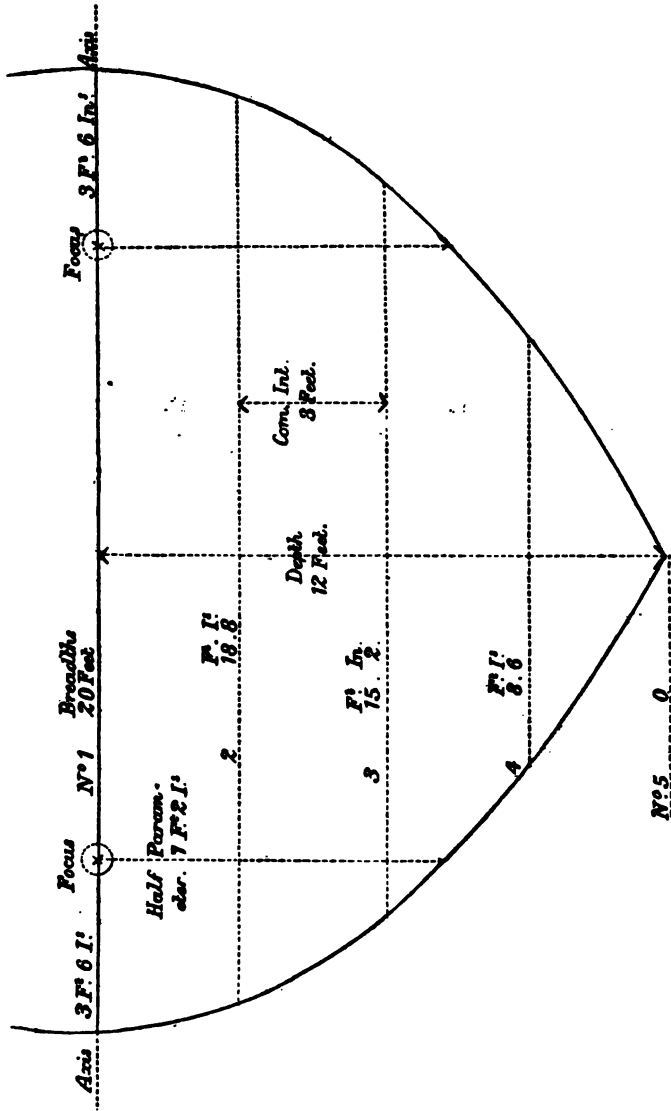
WHAT OTHERS SAY.

“ **B**Y the way, sailors have sometimes good cause of “ complaint against the masters of ships, but “ since Mr. Plimsoll’s well-intended agitation, frivolous “ charges are now and then brought which should be “ discouraged.

“ The Wreck Commissioner at Westminster yesterday “ acquitted the Captain of the *Cumeria* on charges brought “ against him by two men who had invoked Mr. Plimsoll’s “ aid, but refused him his costs.

“ The reason of the refusal does not appear as plainly as “ could be wished.”—*The Globe*, 6th December, 1881.

PARABOLIC FORM GEOMETRICALLY CONSTRUCTED.—Scale $\frac{1}{4}$ in. = 1 foot.



EXAMPLE III.

PARABOLIC FORM.

Suppose the upper breadth to be 20 feet. Then the focus of the parabola from vertex is 3 feet 6 inches.

And the principal parameter is 14 feet 4 inches, from which elements the figure is geometrically constructed.

MEASUREMENT OF TONNAGE RULE.

Laws of Tonnage by G. MOORSOM.

GENERAL FORMULA.			
Depth 12 feet \div 4 = 3 feet, the common interval between breadths.			
No.	Mul- tipliers.	Breadths.	Products.
1	1	20	20
2	4	18.8	75.2
3	2	15.2	30.4
4	4	8.6	34.4
5	1	0	0

$$\begin{array}{r}
 160 \\
 1 \text{ is } \frac{1}{3} \text{ of } 3 \text{ feet} \\
 \text{---} \quad \text{Com. Int.} \\
 \text{Area required } 160 \\
 \text{---}
 \end{array}$$

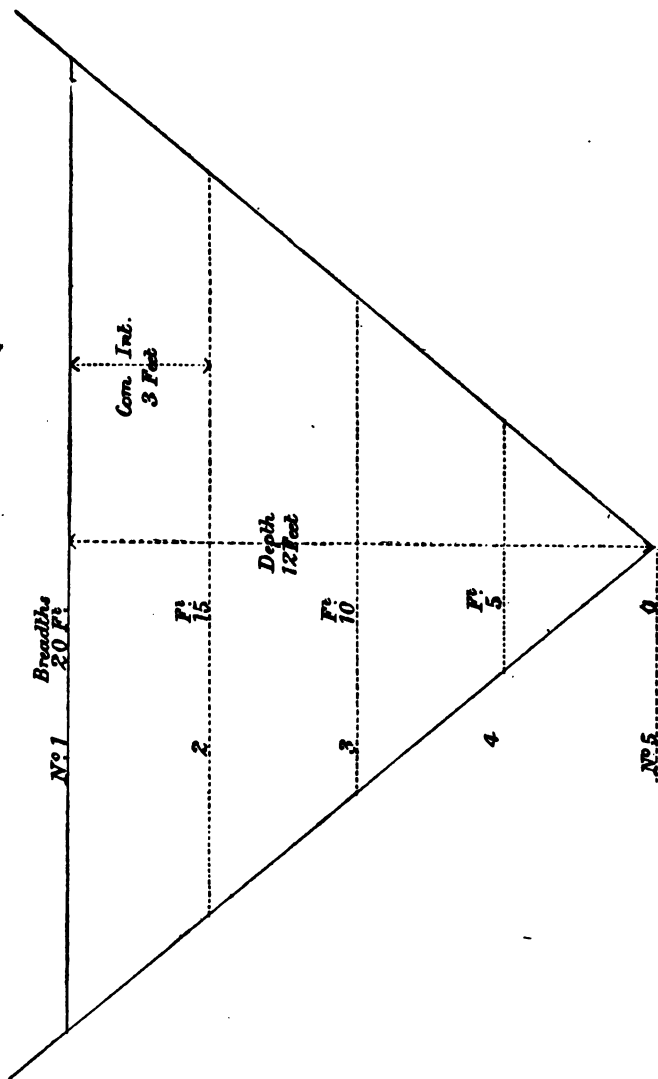
MEASUREMENT BY GEOMETRY.

The area of a parabola = $\frac{1}{3}$ of the ordinate \times abscissa.

That is $\frac{1}{3}$ of $20 \times 12 = 160$ square feet area required, same as above.

The tonnage rule, therefore, in the case of the parabolic form, is geometrically correct.

FIG. 4.

TRIANGULAR OR WEDGE-LIKE FORM.—Scale $\frac{1}{4}$ in. = 1 foot.

EXAMPLE IV.

TRIANGULAR OR WEDGE-LIKE FORM.

Suppose, again, the upper breadth to be 20 feet, and the depth 12 feet.

The depth being divided into four equal parts, the common interval between the breadths is 3 feet, so that one-third of the common interval is one foot.

And the several breadths, measured from the figure, being as shown in the formula, the process is as follows :—

MEASUREMENT BY TONNAGE RULE.

GENERAL FORMULA.			
Depth 12 feet \div 4 = 3 feet, the com. int. betn. breadths.			
No.	Mul- tipliers.	Breadths.	Products.
1	1	20	20
2	4	15	60
3	2	10	20
4	4	5	20
5	1	0	0

120
1 is $\frac{1}{3}$ of 3 feet
— the Com. Int.
Area required 120

MEASUREMENT BY GEOMETRY.

The area of a triangle = $\frac{1}{2}$ of the base \times by the perpendicular height.

That is, $\frac{1}{2}$ of $20 \times 12 = 120$ square feet, area required, same as above.

Hence, the tonnage rule, in the case of the triangular form, is proved to be geometrically correct.

Having thus shown that the process, when applied to the fullest and sharpest, as well as to the intermediate shapes of the circle and parabola, may be considered, in a practical sense, as being mathematically correct, it may be fairly inferred that its operations, in all other cases conceivable to lie between these extremes, will be attended with equally satisfactory results; at the same time observing that the greater the irregularity of the curve, or in the deviations of the breadths, the greater should be the number (always an odd number) of breadths employed.

VERBUM SAT SAPIENTI.

HAVING been in the Wreck Court during the hearing of the *Flamingo* casualty, we would suggest to Captain Hyde that in future when asked by the Wreck Commissioner if he has any questions to put to witnesses, he should not say "oh no! it is quite clear how the casualty occurred." By such remarks the Court loses respect, and when this opinion is endorsed by the Presiding Officer before the evidence has been completed, and when it is apparent that the inquiry will occupy two days, it is not surprising that spectators should incline to the belief that the Court is not one of justice.

ELECTRICAL COMMUNICATION WITH LIGHTSHIPS.

WE are pleased to inform our readers that the Trinity House has decided to lay a telegraph cable from the Sunk Lightship to Harwich, and the work, entrusted to the Telegraph Construction and Maintenance Company, has already been commenced.



